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Report of the Commission to Codify and Revise the Laws of Ohio relative to Children

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REPORT OF THE COMMISSION TO CODIFY AND REVISE THE LAWS OF OHIO RELATIVE TO CHILDREN

To His Excellency, Judson Harmon,
Governor of Ohio.

Sir:

The undersigned Commission was appointed by your Excellency under and by virtue of the provisions of 102 Ohio Laws, page 123, providing "For the appointment of a commission to revise, consolidate and suggest amendments to the statute laws of the State of Ohio which pertain to children."

This Act defines the powers and duties of the Commission in part as follows:

"In performing this duty such commissioners shall unify the present laws pertaining to illegitimate, defective, neglected, dependent and delinquent children, and to their treatment, care, maintenance, custody, control, protection and reformation; and shall suggest such amendments and additions as to them may seem best calculated to bring the state law of this State into harmony with the best thought on this subject."

In assigning to us this task we realize you have laid upon us a heavy responsibility. We have endeavored to do the work conscientiously and thoroughly.

We have visited the eastern states; we have corresponded all over the United States and with some of the officials of European countries and have studied the laws of the various states; we have met with the theorist and the practical worker. In the State of Ohio we have consulted and corresponded with children's home officials, juvenile judges, probation officers, officials of the state boards and institutions, and with private charity workers. We have done our best to get all points of view. As a result of this work, we have formed our own conclusions, which are embodied in this report.

We think that most persons having the welfare of the children of Ohio at heart will agree in approving of most of the statutory changes which we recommend. As to a few of the matters touched upon there will be a difference of opinion among such persons. We will give the reasons which seemed to us decisive, and your Excellency and the Legislature can thereafter allow them whatever weight they may be entitled to receive.

We are convinced, however, that in the enactment of the Legislation which we propose lies a great opportunity for our State. No class is in such need of the fostering care of the State as its dependent, neglected and delinquent children; no class will to the same extent repay the State many times the labor and money wisely expended upon it.

Our problem has been how best to help our State advance along the lines of the most modern and approved methods of prevention and cure of dependency and delinquency by a process preferably in the nature of a growth and not a revolution. We will accomplish much more if we do not attempt to destroy our existing system and start another one on different lines. We will do better to take the existing system, strengthen

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it and devise ways by which it may be used to carry out whatever improvements in the care of its children it is proposed to inaugurate.

The existing system of caring for dependent and neglected children in Ohio may be briefly described as follows:

In 55 counties there are county children's homes, supported by funds at the disposal of the county commissioners. In six other counties there are semi-public children's homes supported in part by the funds of the county. There is one district home situated at Alliance. The county infirmaries maintain children of inmates until they are one year old, when they are transferred to the county home, if any, otherwise they are a charge upon the county commissioners.

County and semi-public homes place a part of their wards in private homes upon adoption, indenture or contract.

Besides these public agencies for the care of dependent children there are private asylums and homes, some of which engage in the placing of children in private homes.

Delinquent children are sent by the juvenile court to boys' or girls' industrial schools, or to the state reformatory. There is at present no system of placing delinquent children in private homes, unless the parole system be considered such.

Dependent children are sent to the various kinds of institutions, either voluntarily by their parents or by the township trustees, or in some cases by the county commissioners, or they come through the juvenile court which in Ohio passes upon the question of dependency as well as delinquency.

The Board of State Charities has rather limited powers of obtaining information regarding the work done by public and private institutions. It has also the power and duty to issue an annual license to private institutions receiving children from the juvenile courts.

These are the instruments now existing in Ohio for the care of our dependent and delinquent children. No doubt within the limitations of the various statutes they are doing a very good work. Our plan has been to add to and rearrange the powers now held by these officials and institutions in such a way as to give them a freer hand and wider scope in their work.

The accompanying copies of the proposed new statutes indicate by italics where new matter occurs, and by dotted lines where old matter has been omitted. For the most part the proposed changes will speak for themselves. We will, however, briefly summarize the most important points.

CHILD PLACING.

The best cure for dependency or delinquency is of course to place the child in such an environment that will tend to make him independent and honest.

As to one of the great plans by which this result is to be achieved, namely: the placing of children whose homes are unfit or do not exist, in carefully selected private homes, we think nearly every one will agree that this, when carried out properly, is the best of all methods.

The institution usually does not develop a child's individuality, nor give him the sort of training needed to fit him for the problems of life outside the institution. There is a tendency to *institutionalize* the child.

At the same time we believe that most institutions are infinitely to be preferred to a loose and careless system of placing children in homes. One hesitates to think what may happen to the helpless child farmed out as a slave and drudge, with no one in all the world to care what becomes of him.

It follows not only that child placing by public as well as by private institutions should be encouraged, but that there should be provided at the same time a power of supervision on the part of the State in order to insure that those who undertake this important business of placing children in the homes of strangers should exercise discrimination in the selection of homes, and should verify their judgment by subsequent visitation of the child so placed; in other words, that there should be a follow-up system.

One of our chief underlying purposes in drawing the proposed amendments relating to children's homes, board of state charities and juvenile courts, is to provide a system by which there will be more and better placing of dependent, neglected and delinquent children in private homes. Whether or not the specific measures we propose are wise, the object is one which we think all thoughtful people will agree is essential.

CHILDREN'S HOMES.

Your Commission believes that the county children's homes serve a very useful purpose, first as a temporary depository to keep children and later return them to their parents when conditions are proper for their return, second as a place to train children preparatory to their being placed, and which will permit of time for finding the right home instead of a too hurried choice, and third as an asylum for children who are too low grade to be placeable.

We feel, however, that the county homes can increase their usefulness by more child placing and by more careful following up and supervision of placed children. We have drawn the children's home code in such a way as to encourage greater activities along these lines.

Our recommendations regarding public children's homes may be thus summarized:

New homes cannot be established except upon approval of the Board of State Charities.

Physicians shall be employed and records kept of physical and mental conditions found.

Teachers must have elementary school certificates. It is provided in another place that the public schools shall be open to all children in the county homes and other asylums.

Children over one year and not morally vicious or incorrigible shall be admitted upon order of the trustees or the Juvenile Court.

Township trustees shall refer cases of children not abandoned to the Juvenile Court, instead of themselves taking the responsibility of committing children to the homes.

In counties where there are no homes, the commissioners must take care of destitute abandoned children and may pay board to institutions and private homes for children sent through the Juvenile Court.

A child shall be deemed abandoned upon the parents being in arrears on board for one year. It is urged by some that this period be six months.

The entire system of indenture except for the state reformatories, implying as it does a kind of slavery, is an anachronism in this day and generation, and is abolished. Instead we have substituted placements upon agreement, which may or may not provide for payment of money, according to the judgment of the trustees.

Either a visiting agent must be employed or children placed through the Board of State Charities. The home has the option also of placing children through the State Board or through private institutions approved by that Board.

There is a difference of opinion regarding the age limit, which we have placed for commitment where it is now for the retention of children at children's homes, viz.: at under 18 years. We think this age limit should correspond to that for the jurisdiction of the Juvenile Court, which we have raised from 17 to 18 years. While cases of commitment to county homes of children near this age limit would be rare, it would seem that there should be some place to which the Court would have the right to send a helpless girl of 16 or 17, even though only as a temporary measure.

We have provided that the Court should have the power to commit children to children's homes without first obtaining the approval of the Board of Trustees, but have provided at the same time that no incorrigible or vicious child should be committed, and that such a child could be returned to the Court for a rehearing. There is a difference of opinion on this question, but we believe that the Court should have this power in the case of a dependent child just as it does in the case of a delinquent child which may be sent to a state institution without first obtaining its consent. In practice we do not anticipate that difficulties would arise in working out this plan. Courts and children's home officials naturally work together and not at cross purposes. The result should be more satisfactory than the present situation, in which it is not clear whether or not the courts have this power.

BOARD OF STATE CHARITIES.

This Board has now very little real supervisory power. It is not desired of course to make it into a prying busybody affair. We believe however, that the State should take sufficient interest in its dependent children to see that those persons who have assumed the responsibility of caring for them do so properly. No institution which is conscientiously doing its duty need apprehend anything but helpful assistance from a State Board with powers of supervision. For the sort of institution, however, which recklessly undertakes the care of children without such financial support as will insure that their wards will not be suddenly turned adrift on the world without guardians, for institutions which do not follow up their placed children, for those rare cases of institutions run for profit rather than for the good of their wards, there is needed some kind of supervisory power for the protection of the children. The exercise of such power would probably be only occasional. The main function of the Board should be to provide full information for all child-caring institutions with a view to enabling them to profit by experience of others. The tendency in all the more progressive states is to increase the powers of their state boards of charities or similar boards along the lines indicated.

For our State Board of Charities we recommend provisions increasing the number of visiting agents employed by the board and giving these agents additional powers. With regard to placed children their duty will be primarily to see that the various children's institutions are visiting their placed out wards. They will have the power, however, at their discretion, of themselves visiting such wards.

The Board also is given additional powers and duties in the line of certifying to the fitness of the various institutions of the State to receive and care for placed children, whether the same come through the juvenile court or not. It is provided that the juvenile court may not commit a child to an institution not so certified.

In addition to these powers of supervision we have drawn provisions creating certain administrative functions for this board. A more ideal plan perhaps would have been that followed by the State of New Jersey, i. e., the creation of a new State Board of Children's Guardians, which should undertake the administrative functions proposed, leaving to the Board of State Charities those of a supervisory nature. We have found, however, a strong existing prejudice against the creation of new boards, and have therefore concluded to follow the Massachusetts plan by which both kinds of functions are assumed by the same board. We have therefore provided that the Board may receive as its wards dependent or delinquent children from the Juvenile Court, or from children's homes, houses of refuge or other institutions, with the consent of the Court which committed them to such institutions. Such children shall be placed by it in carefully investigated homes, and board may be paid when necessary. In the case of delinquent children the Court may order parents to pay board.

The matter of reimbursement of the Board by the County is a difficult one. In Massachusetts the state bears the entire expense. In New Jersey the county provides the funds. The former system works well. The latter does not work well because the counties are niggardly of their money.

When, as here, the county home system exists, if the state at large carries the entire expense, counties which are already paying for homes would feel injured. We recommend a plan like that followed in Indiana, which also has the county home system, i. e.: salaries and general expense will be charged to the state; traveling expense referable to each child together with one-half the board, if any, paid for it, shall be charged to its county. The state will stand this expense, and then will collect from the county, instead of waiting, as they do in New Jersey, until the county sets aside enough money for the purpose.

State child placing is not inconsistent with but supplemental to placing by county homes. It may or may not be a great success according to the quality of the administration. If done well (and the people of the state should look to it that it is done well), it should supply a long felt want and should constitute an important step forward in the care of Ohio's dependent and delinquent children.

We can be sure, however, that it will not be done well unless adequate appropriations are made by the Legislature.

JUVENILE COURT.

The new juvenile court code as drawn by us provides no radical changes in the functions of this court except in the matter of widows' pensions. We have sought to make this court the sole distributing

agency for both dependent and delinquent children. Township trustees and county commissioners not elected with a view to their qualifications for such purposes are not equipped as a rule to do the work as efficiently as the juvenile court with its corps of probation officers.

The following are the more important changes suggested:

The jurisdictional age limit is raised to include all children under 18.

Contributing to the dependency and neglect of a child, as well as to delinquency, and acting in a way tending to cause delinquency, are made punishable. These changes are important, since now you must first find a child delinquent before you can punish anyone for corrupting him. Under the wording proposed, miscreants, who try to corrupt children but do not succeed, can be reached.

Physical and mental examinations of children committed by the court shall be made by physicians appointed by the court and the physicians' certificate shall accompany the commitment papers.

Children may be sent to a children's home in another county, if willing to receive it, upon payment of board.

In addition to the institutions to which children may now be sent, the Court may commit them to the Board of State Charities, as its wards.

The court may, upon investigation of the facts, order parents to pay board for children committed by them to any institution.

The court may exclude undesirable and unnecessary persons from the room. This reform is important because it permits the judge to act as does the father or physician when dealing with children. He takes them aside and quietly ascertains the facts. The children are not pilloried before the public and the curiosity seekers. Such part of the public as has a real interest of course must be admitted. The present practice is to exclude unnecessary persons at times from such hearings (they are not criminal trials, and the constitutional guarantee of a public trial does not apply) ; but we think it better to strengthen the court's hands in this respect.

When husbands are imprisoned their wives shall receive 50c instead of 40c a day.

Widows' pensions are provided for in section 1683-2 to 1683-9. These provisions are modeled after those of the Missouri statute, but contain several additional safeguards. The following conditions precedent to the receipt of such pensions are described. Women having children, whose husbands are dead, disabled, or imprisoned and not contributing to their support may receive from a special county fund upon order of the juvenile court an allowance of $15.00 for a mother and one child, and $7.00 for each additional child; provided, upon investigation of the court, associated charities, or other organization, it is found that such a pension will be necessary in order to hold the home together, that it is a fit home for the child, that the mother will thus be enabled to stay at home, where she may both work and look after the children every day except one for work outside. The allowance can be renewed only upon investigation and will cease when the child becomes 14 years old.

While your Commission is not unanimously agreed as to the desirability of any enactment of this kind, it is agreed that should any be passed, it should be in the form above outlined.

It is argued on the one hand that a similar law has worked out well in Chicago and Kansas City, Mo., by the help of private charitable agencies in making investigations; that such a pension will provide means whereby the child may be kept in its own home rather than in an institution, and that it will be more economical for the tax payer to help support such a child at home within the limits proposed, than that its entire support should be paid for by an institution.

The opponents of such a measure do not believe that public agencies are fitted to administer this kind of direct relief. They maintain also that it will tend to make the juvenile court into too much of a charitable bureau and will take it too far from its judicial functions. They argue further that in many cases the sine qua non of successful administration of such a pension, viz.: a thorough preliminary examination of the beneficiaries with a careful subsequent following up, cannot or will not be made by the court.

OFFENSES AGAINST CHILDREN.

In addition to the above described offenses against children included in the juvenile court code we have added provisions for the safeguarding of children against abuse and corruption of various kinds. We have provided that children, except for church and charitable entertainment, should not appear on the public stage under 14. At present unless such a child sings, dances, etc., on the stage, or unless intoxicating liquors are sold in the establishment, they may appear on the stage for a number of purposes. That the public theatre is not a place for bringing up an impressionable child under 14 needs hardly to be argued. There are perhaps exceptions to the general rule that stage life is harmful to a child, but it must follow in the majority of cases that such a life is one of over stimulation and fatigue for a child and tends to pervert it morally away from simple and wholesome ideals.

The other provisions under this category will speak for themselves.

We have had numerous suggestions of curfew laws, regulation of moving picture shows and the like, but have drawn no provisions along these lines, believing that the local governments are better qualified than the state to deal with local conditions, or that such laws relating only in part to children were not within the scope of our duties. We will say, however, in passing that a state commission to regulate the picture show business would in our opinion be of great benefit to the younger generation of Ohio.

REFORMATORIES.

The important changes we recommend as to these institutions are provisions empowering the Board of Administration to transfer inmates at their discretion between the girls' industrial school and the women's reformatory and between the boys' industrial school and the Ohio State Reformatory. We have also provided that a paroled prisoner must be tried in the usual manner for murder or rape or arson, in addition to manslaughter as at present provided.

The name of the Girls' Industrial Home is changed to Girls' Industrial School.

The old system under which the child was unduly exploited for the benefit of industry and its parents is rapidly being done away with. It has become recognized that it is ruinous and wasteful to permit a child to stunt his growth and future efficiency by premature work. Where child labor has been abolished industry has gained rather than suffered. There can be no doubt that the state at large would gain by the increased efficiency of its future citizens.

Ohio has now fairly good legislation on this important subject. There are, however, many omissions from the descriptions of trades which should be prohibited to children. There is no regulation of street trades. It is too easy for parents to obtain working certificates for children under age upon false affidavits.

The National Child Labor Committee has prepared a proposed uniform child labor law which has been amended from time to time until now it represents the best thought of the country upon this important question. This law has been approved by the National Committee on uniform laws. It has been enacted in Arizona and it is expected that it will soon be enacted in California by means of the Initiative. The more important of its provisions have been enacted in many of the states, and we believe that the enactment of such a measure as a whole is inevitable in every progressive state in the Union.

We do not propose, however, to entirely substitute the National Committee's law for our Ohio provisions, but rather to retain the present provisions wherever they seem adequate and in other matters to substitute or supplement them by the provisions of the proposed uniform law. We have not followed strictly this uniform law as to working certificates, and we have included certain provisions not contained in it, viz.: those providing for vacation certificates, examiners to pass on the fifth grade requirement, penalizing the making of false affidavits and statements in order to obtain working certificates or a situation for a child under the required age.

We have also provided for separate kinds of badges for various kind of street trades.

The Department of Workshops and Factories should be provided with a larger clerical force to put in effect the proposed measures for sending in names of boys who have working certificates. It also needs additional inspectors to enforce the child labor laws.

SCHOOL INSPECTION.

At present in Ohio we have permissive medical inspection of school children in cities. We believe that such inspection should be made general and compulsory. In doing so we should be following in the path already taken by the states of Massachusetts, Colorado, New Jersey and Rhode Island, to which may be added Pennsylvania and West Virginia, which have compulsory school inspection in all except rural districts.

There are two great purposes in such inspection. The first is the detection and segregation of contagious diseases. Many parents now recklessly expose every child in schools attended by their children to all kinds of contagion, including tuberculosis, and thus the vitality of the

school children as a whole is reduced and in many cases permanent injury done. By careful medical inspection epidemics may be prevented and unnecessary sickness restricted. The second purpose is the discovery and removal of the causes of apparent backwardness in children. Defective eye-sight, abnormal growths in the nose and throat, etc., furnish many such instances. In such cases parents will be notified and urged to see that the cause is removed. In places such as Cincinnati and Cleveland, experience has shown that many children who might otherwise always pass for stupid and defective, as a result of medical inspection, are made over into normal children.

We have drawn provisions covering certain aspects of the work done by the Humane Societies, state school for the feeble-minded and houses of refuge, none of which need elaboration here.

In closing we beg to urge upon your Excellency that you strongly recommend to the Legislature the enactment of appropriations by which the much needed school for crippled children may become a fact.

We would also urge larger appropriations for the state reformatories, especially in the matter of providing a larger number of parole officers. The present number employed is inadequate for the proper performance of this important duty.

Lastly we would urge the building of extensive additions to the school for feeble-minded and other state institutions for mental defectives.

There is now no proper place for a child who is at once feeble-minded and blind or deaf. The school for the blind is not fitted to care for the feeble-minded. The school for the feeble-minded can make the best use of its limited capacity by taking in only those defectives who can see and hear. The result is that a child with two of these defects at once is not ordinarily accepted at any of the state institutions. The remedy is to increase the capacity of the school for feeble-minded to such an extent that it can take care not only of such children, but also of the numerous feeble-minded children in the state not now provided for.

There is another and often discussed reason for increasing the capacity of these institutions for feeble-minded. Authorities agree that our defectives are increasing proportionately faster than the rest of the population. We are taking care of them in infirmaries and children's homes. The child of defective parents in the infirmary goes to the children's home and when it grows up comes back to the infirmary from whence its progeny are transferred to the children's home. Thus we have an endless chain. Our reformatories and our penitentiaries are full of mental defectives, all of whom freely multiply their kind.

Sterilization does not seem to be a generally approved remedy. It would seem to be an encouragement to vice, disease and the dreadful consequences of such disease.

The only remedy is segregation, and the longer it is deferred the greater the expense will be. Though the amount of money required may seem large, in the end it needs no argument to show the saving of money would be great, while incidentally an incalculable benefit would accrue for the improvement of the race.

Respectfully submitted,

DANIEL BABST,

ARTHUR D. BALDWIN.

The Commission recommends that certain of the Ohio statutes be amended to read as follows (proposed new matter is in italics; omission of old matter is indicated by stars):

CHAPTER 24.

BOARD OF STATE CHARITIES.

Section

1349 Board of State Charities, appointment and term of members.
1350 Meetings and rules.
1351 Secretary and expenditures.
1352 Duties of the Board.
1352-1 Annual Certificates.
1352-2 Approval of incorporation.
1352-3 Receiving and Placing of Children.
1352-4 Expenses Paid by Counties.
1352-5 Delinquent Children.
1353 Plans for public buildings must be submitted to the Board.
1354 Governor may order investigation.
1355 Expenses of investigation and witness fees.
1356 Conferences of the Board with other officials.
1357 Expenses of attending conferences.
1358 Biennial report.
1359 Bulletins.

Board of State Charities, Appointment and Term of Members.

Section 1349. There shall be a Board of State Charities consisting of seven persons, six of whom shall be appointed by the governor. Of the members so appointed not more than three shall belong to the same political party. The governor shall be ex-officio a member of the Board and each year shall appoint two members of the Board, each of whom shall serve for a term of three years. A vacancy shall be filled by appointment for the unexpired term. (R. S. Sec. 655.)

Meetings and Rules.

Section 1350. The Board of State Charities shall be provided with a suitable room in the state house *or elsewhere in the City of Columbus,* and shall hold regular meetings once each quarter and as often as is deemed necessary. The Board may make such rules and regulations for its government as it deems proper. (R. S. Sec. 656.)

Secretary and Expenditures.

Section 1351. The governor shall be ex-officio president of the Board of State Charities. Such Board may appoint a secretary who shall receive such annual salary as the Board may allow, and his necessary traveling expenses incurred in the discharge of his official duties. Such salary

and the expenditure of the Board, certified in such manner as it may provide, shall be paid from the state treasury upon the warrant of the auditor of state from funds appropriated for such purposes. (R. S. Sec. 657.)

Duties of the Board.

Section 1352. The Board of State Charities shall investigate * * * * * by correspondence and inspection the *system,* condition and management of all the *public and private* benevolent and correctional institutions of the state and county, and municipal jails, work-houses, infirmaries and children's homes, *and all maternity hospitals or homes, lying in hospitals, or places where women are received and cared for during parturition, as well as all institutions whether incorporated, private, or otherwise which receive and care for children.* Officers in charge of such institutions or responsible for the administration of public funds used for the relief and maintenance of the poor shall furnish the Board or its secretary such information as it requires. The Board may prescribe such forms of report and registration as it deems necessary. *For the purpose of such investigation and to carry out the provisions of Section sixteen hundred seventy-five of the General Code it shall employ such visitors as may be necessary, who shall, in addition to other duties, investigate the care and disposition of children made by institutions for receiving children, and by all institutions including within their objects the placing of children in private homes, and, when they deem it desirable they shall visit such children in such homes, and report the result of such inspection to the Board. The members of the Board and such of its executive force as it shall designate may attend state and national conferences for the discussion of questions pertinent to their duties. The actual traveling expense so incurred by the members and such of its executive force as it shall designate shall be paid as provided by Section* 1351. (R. S. sec. 656.)

Annual Certificates.

Section 1352-1. * * * * * Such board shall annually pass upon the fitness of every *benevolent or correctional institution, corporation and* association, *public, semi-public, or private* as receives, or desires to receive *and care for children, or places children in private homes.* Annually at such times as the board shall direct, each such *institution, corporation or association,* shall make a report, showing its condition, management and competency, adequately to care for such children as are, or may be committed to it, *the system of visitation employed for children placed in private homes,* and such other facts as the board requires. When the board is satisfied as to the care given such children, *and that the requirements of the statutes covering the management of such institutions are being complied with,* it shall issue to the association a certificate to that effect, which shall continue in force for one year, unless sooner revoked by the board. No child shall be committed *by the juvenile court to an* association *or institution* which has not such certificate *unrevoked and received* within fifteen months next preceding the commitment. *A list of such certified institutions shall be sent by the board of state charities, at least annually, to all courts acting as juvenile courts and to all associations and institutions so approved. Any person who receives children or receives or solicits money on behalf of such an institution, corporation or association, not so certified, or whose certificate has been revoked, shall be guilty of a misdemeanor, and fined not less than* $5.00 *nor more than* $500.00. (99 V. 200 No. 34) G. C. 1675.

Approval of Incorporation.

Section 1352-2. No association whose object may embrace the care of dependent, neglected or delinquent children *or the placing of such children in private homes* shall hereafter be incorporated unless the proposed articles of incorporation shall have been submitted first to the board of state charities. The secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined the articles of incorporation, and that in his judgment the incorporators are reputable and respectable persons, and that the proposed work is needed, and the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the board of state charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined such amendment, that the association in question is, in his judgment, performing in good faith, the work undertaken by it, and that such amendment is, in his judgment, a proper one, and for the public good. (99 V. 201 No. 35) G. C. 1676.

Receiving and Placing of Children.

Section 1352-3. *The board of state charities shall when able to do so, receive as its wards such dependent or neglected minors as may be committed to it by the juvenile court. County, district, or semi-public children's homes or any institution entitled to receive children from the juvenile court may, with the consent of the board, transfer to it the guardianship of minor wards of such institutions. If such children have been committed to such institutions by the juvenile court that court must first consent to such transfer.*

The board shall thereupon ipso facto become vested with the sole and exclusive guardianship of such child or children. The board shall, by its visitors, seek out suitable, permanent homes in private families for such wards; in each case making in advance a careful investigation of the character and fitness of such home for the purpose. Such children may then be placed in such investigated homes upon trial, or upon such contract as the board may deem to be for the best interests of the child, or proceedings may be had, as provided by law, for the adoption of the child by suitable persons. The board shall retain the guardianship of a child so placed upon trial or contract during its minority, and may at any time, if it deems it for the best interest of the child, cancel such contract and remove the child from such home. The board, by its visitors, shall visit at least twice a year all the homes in which children have been placed by it. Children from whom on account of some physical or mental defect it is impracticable to find good, free homes, may be so placed by the board upon agreement to pay reasonable board therefor not to exceed $3.50 per week, which shall be paid out of funds appropriated to the use of the board by the general assembly. When necessary any children so committed or transferred to the board may be maintained by it in a suitable place until a proper home is found.

So far as practicable children shall be placed in homes of the same religious belief as that held by their parents.

Expenses Paid By Counties.

Section 1352-4. *The actual traveling expenses of such child and that of the agents or visitors of said board in connection with placing such dependent or neglected child in a home and of subsequent visitation of such child, together with half the amount of board, if any, paid by said board on account of the child to the owners of such home shall be charged by the board of state charities to the county in which the child had a legal residence when received by such board. The treasurer of each county shall pay the quarterly draft of the board of state charities for the amount so chargeable against such county for the preceding quarter.*

Delinquent Children.

Section 1352-5. *The board of state charities may when willing to do so, receive as its wards with all the powers given it by Section* 1351-2 *delinquent children committed to it by a juvenile court or from any institution to which such children may be committed by the juvenile court. Such children shall be placed by it in homes in accordance with the provisions of said Section* 1351-2. *Before making such commitment the court may make an order that the parent or parents of such child shall pay the board of state charities, periodically, reasonable sums for the maintenance of such child, which orders, upon the disobedience thereof, may be enforced by attachment as for contempt. The money so obtained shall be used for payment of such child's board and maintenance. If originally committed to such institutions by the juvenile court, that court must first consent to the transfer of such child to the board of state charities. Said court may in such cases make an order that the parents or guardian pay for its maintenance in the same manner as if such child had been originally committed to said board.*

Provided that if the board of state charities find it impracticable to so place such child, it shall at its discretion have the right to surrender such child to the court or institution from which it was received.

Plans for Public Buildings Must Be Submitted to the Board.

Section 1353. Before their adoption by the proper officials, plans for new jails, work-houses, children's homes, infirmaries, state institutions and municipal lockups or prisons and for important additions to or alterations in such existing institutions, shall be submitted to the board of state charities for its approval. (S. S. Sec. 656.)

Governor May Order Investigation.

Section 1354. The governor, at any time, may order the board of state charities, or a committee of two members thereof, to investigate the management of a benevolent or correctional institution of the state. In making such investigation the board, or its committee, shall have authority as is conferred upon officers authorized to take depositions, to send for persons and papers, to administer oaths, and to punish as for contempt a person, who, being duly summoned by it, refuses to appear or produce papers. A report of an investigation with the testimony taken therein, shall be made to the governor, and by him *it may be submitted* to the general assembly with such suggestions as he deems proper. (R. S. Sec. 656.)

Expenses of Investigation and Witness Fees.

Section 1355. A person summoned to appear in the investigation, provided in the preceding section, other than officers and employee of the benevolent or correctional institutions under examination, shall receive such fees and mileage as are allowed witnesses in the court of common pleas. The witness fees, mileage and expenses of an investigation shall be paid from the current expense fund of such institution upon an itemized account approved by the president and secretary of the board of state charities. (Codifying Commission.)

Conferences of the Board with Other Officials.

Section 1356. At such times and places as it deems advisable, the board of state charities may hold conferences of the officers of state, county and municipal benevolent and correctional institutions, officials responsible for the administration of public funds used for the relief and maintenance of the poor, members of the board of county visitors, and officials charged with the enforcement of the probationary laws. Such conference shall consider in detail questions of management of such institutions, the methods to secure their economical and efficient conduct, the most effective plans for granting public relief to the poor, and similar subjects. (R. S. Sec. 656a.)

Expenses of Attending Conferences.

Section 1357. The necessary expenses of all the persons invited to such conferences shall be paid from any fund available for their respective boards and institutions provided they shall first procure a certificate from the secretary of the board of state charities that they were invited to and were in attendance at the sessions of such conferences. (R. S. Sec. 656a.)

Biennial Report.

Section 1358. Biennially, the board of state charities shall make a report of its proceedings to the governor. The report shall contain in detail a statement of expenses incurred, officers and agents employed, the conditions of state institutions under its control, and such suggestions as it deems proper. (R. S. Sec. 658.)

Bulletins.

Section 1359. The board of state charities may supplement its biennial report with bulletins containing statistics, and such information in regard to the benevolent and correctional institutions of this and other states as it deems useful. The board shall contract for printing the bulletins with an institution having a printing department, and the expenses thereof shall be paid from an appropriation for contingent expenses of the board. Upon requisition of the secretary of the board, the commissioners of public printing shall furnish the necessary paper for printing and binding such bulletins. (R. S. Sec. 658.)

CHAPTER 8.

JUVENILE COURT.

Section.

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What Courts to Have Powers and Jurisdiction.

Section 1639. Courts of Common Pleas *shall have and exercise the powers and jurisdiction conferred in this chapter, and the judges of such court in those counties of the state wherein there may be two or more common pleas judges regularly elected shall designate one of their number to transact the business arising under such jurisdiction. When the term of the judge so designated expires, or of his office terminates, another designation shall be made in like manner. Such judge shall be known as the Juvenile Judge, and such court as the Juvenile Court; provided, that in any county of this state the common pleas court may designate the probate judge or the judge of the court of insolvency, if any, of said county as juvenile judge and upon such designation the said probate judge or judge of the court of insolvency shall have the same power and jurisdiction with respect to the same hereby conferred upon the courts of common pleas, and shall be known as juvenile judge, and the court as juvenile court.* (99 V. 192 No. 1.)

Section 1640. The seal of the court, the judge of which is designated to transact such business, shall be attached to all writs and processes. (99 V. 192 No. 2.)

Appearance Docket and Journal.

Section 1641. The clerk of the court of the judge exercising the jurisdiction shall keep an appearance docket and a journal, in the former of which shall be entered the style of the case and a minute of each proceeding, in the latter of which shall be entered all orders, judgments and findings of the court. (99 V. 192 No. 3.)

Jurisdiction.

Section 1642. Such *Juvenile Court* * * * within the provisions of this chapter shall have jurisdiction over and with respect to delinquent neglected and dependent minors, under the age of *eighteen* years, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent, neglected and dependent children, and their parents, guardians, or any person,

persons, corporation or agent of a corporation, responsible for, or guilty of causing, encouraging, aiding, abetting or contributing toward the delinquency, neglect or dependency of such minor. (99 V. 192 No. 4.)

When Jurisdiction Terminates.

Section 1643. When a child under the age of *eighteen* years comes into the custody of the court under the provisions of this chapter, such child shall continue for all necessary purposes of discipline and protection, a ward of the court, until he or she attain the age of twenty-one years. The power of the court over such child shall continue until the child attains such age. (99 V. 192 No. 4.)

Delinquent Child Defined.

Section 1644. For the purpose of this chapter, the words "delinquent child" includes any child under *eighteen* years of age who violates a law of this state or a city, or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits a policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits a saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits a public pool or billiard room or bucket shop; or who wanders about the street in the night time; or who wanders about railroad yards or tracks, or jumps or catches on to a moving train, traction or street car, or enters a car or engine without lawful authority, or who uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct; or who uses cigarettes; or who visits or frequents any theatre, gallery, penny arcade or *moving picture show* where lewd, vulgar or indecent pictures are exhibited or displayed; *or who is an habitual truant.* A child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and be proceeded against in the manner hereinafter provided. (99 V. 192 No. 5.)

Dependent Child Defined.

Section 1645. For the purpose of this chapter, the words "dependent child" shall mean any child under *eighteen* years of age who is dependent upon the public for support; or who is destitute, homeless or abandoned; or who has not proper parental care or guardianship; or who begs or receives alms; or who is found living in a house of ill fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, *step parents,* guardians or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship. (99 V. 193 No. 6.)

Proper Parental Care Defined.

Section 1646. A child within the provision of this chapter whose parents, step parents or guardian permits it to use or become addicted to the use of tobacco, or intoxicating liquors as a beverage and not for medical purposes, or whose parents or guardian rears, keeps or permits it in or about a saloon or place where intoxicating liquors are sold, or a gambling house or place where gambling is practiced or carried on, or a house of ill fame, or ill repute, shall be deemed to be without proper parental care or guardianship. The word "child" or "children" may mean one or more children and includes males and females. The word "parent" may mean one or both parents when consistent with the intent of this chapter. The word "minor" means child. (99 V. 193 No. 6.)

Complaint.

Section 1647. Any person having knowledge of a minor under the age of *eighteen* years who appears to be either a delinquent, or dependent child, may file with *such juvenile court a complaint, sworn to,* which may be upon information and belief, *and for that purpose such complaint shall be suwciently definite by using the word delinquent, or dependent, as the facts may be.* (Commission.)

Citation, Publication.

Section 1648. Upon filing of the *complaint,* a citation shall issue, requiring such minor to appear, and the *parents or guardian and other* person, *if any,* having custody or control of the child or with whom it may be, to appear with the minor, at a time and place to be stated in the citation; or the judge may in the first instance issue a warrant for the arrest of such minor or for any person named in the *complaint* and charged therein with having *abused,* abandoned, or charged therein with neglect of or being responsible for or having encouraged, aided or abetted the delinquency or dependency of such child, *or having acted in a way tending to cause delinquency in such child.* The parents, *step parents,* guardian or any other person not cited may be subpoenaed to appear and testify at the hearing. Any one cited or subpoenaed to appear who fails to do so, may be punished as in other cases in the common pleas court for contempt of court. *Whenever it shall appear from affidavit that a parent or guardian or other person having the custody of such child resides or has gone out of the state or that his or her place of residence is unknown so that such citation cannot be served on him or her, the clerk shall cause such citation to be published once in a newspaper of general circulation throughout the county, and published in the county, if there be one so published. The citation shall state the nature of the complaint, and the time and place of the hearing, which shall be held at least two weeks later than the date of the publication; and a copy of such citation shall be sent by mail to the last known address of such parent, guardian or other person having custody of such child, unless said affidavit shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such citation mailed shall be sufficient evidence thereof. Until the time for the hearing arrives, the court shall make such temporary disposition of such child as it may deem best. When said period of two weeks from the time of publication shall have elapsed, said court shall have full jurisdiction to deal with such child as provided by this chapter.* When a person charged with violating a provision of this chapter shall have fled from justice in this state, such judge shall have all the powers of a magistrate under the laws of this state relating to fugitives from justice. (199 V. 193 No. 8.)

Bond of Child.

Section 1648-1. *In any case where a child under the age of eighteen years is arrested with or without a warrant, in order to avoid the incarceration of such child, if practicable, the officer so arresting, unless otherwise ordered by the court, shall accept the written promise of the parent, guardian or other person with whom such child resides, or any other reputable person, to be responsible for the presence of said child in the proper court at the time and place when such child is to appear, and at any other time to which the hearing in the case may be continued or adjourned by the court. Nothing herein contained shall be construed to prevent the admitting of such child to bail, in accordance with the general provisions of the crimes act.* (Commission.)

Special Room for Juvenile Court.

Section 1649. The County Commissioners shall provide a special room not used for the trial of criminal cases, when avoidable, for the hearing of juvenile cases. (99 V. 194 No. 9.)

Hearing.

Section 1650. On the day named in the citation or upon the return of the warrant of arrest, or as soon thereafter as may be, the judge shall proceed, in a summary manner, to hear and dispose of the case, and the person arrested or cited to appear may be punished in the manner hereinafter provided. (99 V. 194 No. 10.)

Jury Trial: Costs.

Section 1651. A person charged *with abuse of a child* or being responsible for or causing, aiding or contributing to the delinquency, dependency or neglect of a child, or *with acting in a way tending to cause delinquency in a child,* arrested or cited to appear before such Court, at any time before hearing, may demand a trial by jury, or the judge upon his own motion may call a jury. The statutes relating to the drawing and impaneling of jurors in criminal cases in the Court of Common Pleas, other than in capital cases, shall apply to such jury trial. * * * * * The compensation of jurors and costs of the Clerk of Court and Sheriff shall be taxed and paid as in * * * * * criminal cases in the Court of Common Pleas. (99 V. 194 No. 11.)

Judge May Commit Child to Care of Probation Officer.

Section 1652. In case of a delinquent child the judge may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow such child to remain at its own home, subject to the visitation of the probation officer, and subject to be returned to the judge for further or other proceedings whenever such action may appear to be necessary; or the judge may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the judge, or he may authorize the child to be boarded in some suitable family home in case provision be made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for it in a home without such payment; or the judge may commit such child, if a boy, to a training school for boys, or, if a girl, to an industrial school for girls, or commit the child to any institution within the county that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or *if a boy over the age of nine years* to the boys' industrial school, or where it appears upon the hearing that such delinquent child is sixteen years of age, or over, and has committed a felony, to the Ohio State Reformatory, or to any state institution which may be established for the care of delinquent boys, or, if a girl over the age of nine years, to the girls' industrial home or to any state institution which may be established for the care of delinquent girls. In no case shall a child, committed to such institution, be confined under such commitment after attaining the age of twenty-one years; * * * * * or the judge may commit the child to the care and custody of an association that will receive it, embracing in its objects, the care of neglected or dependent children, if duly * * * * * *approved by the Board of State Charities, as provided by law.*

Physical Examination.

Section 1652-1. *Every child coming within the provisions of this chapter, and disposed of by virtue of its provisions, shall be subjected to a physical and mental examination by a competent physician, or physicians, to be appointed by the Juvenile Court, and the physician as appointed shall certify the condition in which he finds such child, a copy of which certificate shall be sent to the institution, or person to whom it is committed. The Boys' Industrial School, the Girls' Industrial School and other penal institution of the state shall provide separate quarters for any such child so certified as having a contagious or infectious disease. The Juvenile Court shall tax as part of the costs, a reasonable fee for such examination.*

Judge May Commit Child to Care of Suitable Person.

Section 1653. When a minor under the age of *eighteen* years, *or any ward of the court under this chapter,* is found to be dependent or neglected, the judge may make an order committing such child to the care of *The Children's Home if there be one in the county where such court is held, if not, to such a home in another county, if willing to receive such child, for which the County Commissioners of the county in which it has a settlement, shall pay reasonable board; or he may commit such child to the Board of State Charities or* to some suitable state or county institution, or to the care of some reputable citizen of good character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, which embraces within its objects the purpose of caring for or obtaining homes for dependent, neglected or delinquent children or any of them, and which has been * * * * *approved by the Board of State Charities as provided by law.* When the health or condition of the child shall require it, the judge may cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge. *The court may make an examination regarding the income of the parents or guardian of a minor committed as provided by this section and may then order that such parent or guardian pay the institution or board to which the minor has been committed reasonable board for such minor, which order, if disobeyed, may be enforced by attachment as for contempt.* (99 V. 195 No. 13.)

Age Limit.

Section 1653-1. The provisions of Section 1653 shall not apply to the Girls' Industrial *School or the Boys' Industrial School* so far as the same allows the commitment of a child under ten years or over *eighteen* years of age to such institution. In no case shall a child found to be a dependent or neglected child be committed to such institution, nor shall any child under ten years or over eighteen years of age, be committed to such *schools,* * * * * * except as provided in Section 2111 of the General Code. (Passed May 10th, 1910.)

Aiding or Abetting Delinquency; Penalty.

Section 1654. Whoever *abuses a child or* aids, abets, induces, causes, encourages or contributes toward the *dependency, neglect or* delinquency, *as herein defined, of* a minor under the age of *eighteen* years, *or acts in a way tending to cause delinquency in such minor,* shall be fined not less than ten dollars, nor more than one thousand dollars or imprisoned not less than ten days nor more than one year, or both. Each day of such contribution to such *dependency, neglect or* delinquency,

shall be deemed a separate offense. If in his judgment it is for the best interest of a delinquent minor, under the age of *eighteen* years, the judge may impose a fine upon such delinquent not exceeding ten dollars, and he may order such person to stand committed until fine and costs are paid. (99 V. 195 No. 14.)

Affidavit for Reversal.

Section 1654-1. Recommended repealed by Commission.

Failure or Neglect to Support; Penalty.

Section 1655. Whoever is charged by law with the care, support, maintenance or education of a minor under the age of *eighteen* years, and is able to support or contribute toward the support or education of such minor, fails, neglects, or refuses so to do, or who abandons such minor, *or who unlawfully beats, injures, or otherwise ill treats such minor, or causes or allows him or her to engage in common begging, upon complaint filed in the Juvenile Court, as provided in this chapter,* shall be fined not less than ten dollars, nor more than five hundred *dollars,* or imprisoned not less than ten days nor more than one year, or both. Such neglect, non-support, or abandonment shall be deemed to have been committed in the county in which such minor may be at the time of such neglect, non-support of abandonment. Each day of such failure, neglect or refusal shall constitute a separate offense, and the judge may order that such person stand committed until such fines and costs are paid. (99 V. 196 No. 15.)

Workhouse Sentence; Provisions in Case of.

Section 1656. When a person is convicted and sentenced under this chapter for the abandonment of, or for the neglect of, or failure to maintain or support a minor, to imprisonment in a workhouse, the county from which such prisoner is so sentenced, shall pay from the general revenue fund *fifty* cents, for each day such prisoner is so confined, to the chief probation officer of such county, to be by him expended, under the direction of the judge, for the maintenance of the dependent minors of such prisoner, of which expenditure such officer shall make monthly reports to the judge. The county commissioners of such county shall make the allowances herein provided for, which shall be paid by the county treasurer from the county treasury upon the warrant of the county auditor in favor of such probation officer. (99 V. 196 No. 16.)

Commitment to County Jail.

Section 1857. Pending final disposition of a case, the judge may commit any person arrested or cited to appear, except a minor under fourteen years of age, to the county jail until the case is disposed of, but such trial shall be commenced within four days of such commitment, unless upon the request of the defendant. Pending final disposition, the judge may direct that the minor in question be left in the possession of the person having charge of him, or that he be kept in some suitable place provided by the county or city authorities. (99 V. 196 No. 17.)

Citation After Hearing.

Section 1658. If it appears upon the hearing that any person not cited to appear, has probably *abused or has* aided, induced, caused, encouraged, or contributed to the *dependency, neglect or* delinquency of a minor under the age of *eighteen* years, *or acted in a way tending to cause delinquency in such a minor,* or that a person, charged by law, with the care,

support, education and maintenance of any minor, has abandoned, failed, refused, or neglected, being able so to do, to support or sufficiently contribute toward the support, education and maintenance of such minor, the judge may order such person to be cited to appear at a subsequent day, or may issue a warrant to arrest such person as hereinbefore provided, and upon citation, warrant and hearing the same proceedings may be had as in the first instance. (99 V. 196 No. 18.)

Transfer of Case to Juvenile Judge.

Section 1659. When a minor under the age of *eighteen* years is arrested, such child, instead of being taken before a justice of the peace or police judge, shall be taken directly before such juvenile judge; or, if the child is taken before a justice of the peace or judge of the police court, it shall be the duty of such justice of the peace or such judge of the police court, to transfer the case to the judge exercising the jurisdiction herein provided. The officers having such child in charge shall take it before the judge, who shall proceed to hear and dispose of the case in the same manner as if the child had been brought before the judge in the first instance. (99 V. 197 No. 19.)

Writ to Whom Issued.

Section 1660. The *summons,* warrants, citations, subpoenas and other writs of such judge may issue to a probation officer of any such court or to the sheriff of any county, and the provision of law relating to the subpoenaing of witnesses in criminal cases shall apply in so far as they are applicable. (99 V. 197 No. 20.)

Private Hearing.

Section 1660-1. *So far as is possible the court shall hear all cases in chambers; and all persons whose presence, in the opinion of the court, is not necessary or desirable, shall be excluded from the room.* (Commission).

Expenses; How Paid.

Section 1661. When a *summons or* warrant is issued to any such officer, the expense in pursuing and bringing the person named therein, before such judge, shall be paid by the county in the manner prescribed by law for the payment of deputies, assistants and other employes of county officers. (99 V. 197 No. 21.)

Probation Officers; Appointment and Compensation.

Section 1662. The judge designated to exercise jurisdiction may appoint one or more discreet persons of good moral character, one or more of whom may be women, to serve as probation officers, during the pleasure of the judge. One of such officers shall be known as a chief probation officer and there may be first, second and third assistants. Such chief probation officer and the first, second and third assistants, shall receive such compensation as the judge appointing them may designate at the time of the appointment, but the compensation of the chief probation officer shall not exceed twenty-five hundred dollars per annum, that of the first assistant shall not exceed twelve hundred dollars per annum, and of the second and third shall not exceed one thousand dollars per annum, each payable monthly. The judge may appoint other probation officers, with or without compensation, but the entire compensation of all probation officers in any county shall not exceed the sum of forty dollars for each full thousand inhabitants of the county at the last federal census. * * * * * The compensation

of the probation officers shall be paid by the county treasurer from the county treasury upon the warrant of the county auditor, which shall be issued upon itemized vouchers sworn to by the probation officers and certified to by the judge of the Juvenile Court. (99 V. 197 No. 22.)

Duties and Powers of Probation Officers.

Section 1663. When a complaint is made or filed against a minor, the probation officer shall inquire into and make examination and investigation into the facts and circumstances surrounding the alleged delinquency, neglect or dependency, the parentage and surroundings of such minor, his exact age, habits, school record, and every fact that will tend to throw light upon his life and character. He shall be present in court to represent the interest of the child when the case is heard, furnish to the judge such information and assistance as he may require, and take charge of any child before and after the trial as the judge may direct. He shall serve the warrants and other process of the court within or without the county, and in that respect is hereby clothed with the powers and authority of the sheriffs. He may make arrest without warrant upon reasonable information, or upon view of the violation of any of the provisions of this chapter, detain the person so arrested pending the issuance of a warrant, and perform such other duties, incident to their offices, as the judge directs. All sheriffs, deputy sheriffs, constables, marshals and police officers shall render assistance to probation officers, in the performance of their duties when requested so to do. (90 V. 192 No. 23.)

Prosecuting Attorney, Duty to.

Section 1664. On the request of the judge exercising such jurisdiction, the prosecuting attorney of the county shall prosecute all persons charged with the violation of any of the provisions of this chapter. (99 V. 198 No. 24.)

Bail.

Section 1665. The provisions of law relating to bail in criminal cases in the common pleas court shall apply to persons committed or held under the provisions of this chapter so far as they are applicable. (99 V. 198 No. 25.)

Suspension of Sentence.

Section 1666. In every case of conviction and where imprisonment is imposed as part of the punishment, such judge may suspend sentence upon such condition as he imposes. (99 V. 198 No. 26.)

Forfeit of Bond.

Section 1667. When, as a condition of suspension of sentence, bond is required and given, upon the failure of a person giving such bond to comply with the terms and conditions thereof, such bond may be forfeited, the suspension terminated by the judge, the original sentence executed as though it had not been suspended, and the term of any jail or workhouse sentence imposed in such cases shall commence from the date of imprisonment of such person after such forfeiture and termination of suspension. Any part of such sentence which may theretofore been served, shall be deducted from any such period of imprisonment. (90 V. 198 No. 27.)

Error Proceedings.

Section 1668. The provisions of law relating to error proceedings from the Court of Common Pleas, including the allowance and signing of bills of exceptions, shall apply to prosecutions of persons over *eighteen* years of age under the provisions of this chapter, and from a judgment of the

Court of Common Pleas in such prosecution, error may be prosecuted to the Circuit Court of the county under laws governing prosecution of proceedings in error in other criminal cases to such Circuit Court; *and from a judgment of a Probate Court in such prosecution, error may be prosecuted to the Common Pleas Court of the county under the laws governing prosecution of proceedings in error from the Probate Court to the Court of Common Pleas. A petition in error shall not be filed either in the Circuit Court or Court of Common Pleas except upon good cause shown, upon motion and notice to the prosecuting attorney, as in civil cases, or unless such motion is allowed by such courts.* (99 V. 198 No. 28.)

Finding Not Lawful Evidence.

Section 1669. The disposition of, or any order, judgment, or finding against a child under this chapter, or any evidence given in any proceeding thereunder, shall not in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases herein against the same child. (99 V. 199 No. 29.)

Detention Home.

Section 1670. Upon the advice and recommendation of the judge exercising the jurisdiction provided herein, the county commissioners *shall* provide by purchase or lease, a place to be known as a "Detention Home" within a convenient distance of the court house, not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent or neglected minors under the age of *eighteen* years may be detained until final disposition, which place shall be maintained by the county as in other like cases. In counties having a population in excess of forty thousand, the judge may appoint a superintendent and matron who shall have charge of said home, and of the delinquent, dependent and neglected minors detained therein. Such superintendent and matron shall be suitable and discreet persons, qualified as teachers of children. Such home shall be furnished in a comfortable manner as nearly as may be as a family home. *So far as possible delinquent children shall be kept separate from dependent children in such home.* The compensation of the superintendent and matron shall be fixed by the county commissioners. Such compensation and the expense of maintaining the home shall be paid from the county treasury upon the warrant of the county auditor, which shall be issued upon the itemized voucher, sworn to by the superintendent and certified by the judge. *In all such homes the sexes shall be kept separate.* (99 V. 199 No. 30.)

Expenses of Detention Home.

Section 1671. When such detention home is provided by the county commissioners, and upon such home being recommended by the judge, the commissioners shall enter an order on their journal transferring to the proper fund from any other fund or funds of the county, in their discretion, such sums as may be necessary to purchase or lease such home and properly furnish and conduct it and pay the compensation of the superintendent and matron. The commissioners shall likewise upon the appointment of probation officers, transfer to the proper fund from any other fund or funds of the county, in their discretion, such sums as may be necessary to pay them, and such transfers shall be made upon the authority of this chapter. At the next tax levying period, provisions shall be made for the expenses of the court. (99 V. 199 No. 30.)

Child Becomes a Ward, When.

Section 1672. If the court awards a child to the care of an association, *corporation* or individual, in accordance with these provisions, unless otherwise ordered, the child shall become a ward, and be subject to the guardianship of such association or individual. Such association or individual may place such child in a family home * * * * * and shall be made party to any proceeding for the legal adoption of the child, and may appear in any court where such proceedings are pending, and assent to such adoption. Such assent shall be sufficient to authorize the judge to enter the proper order or decree of adoption, *and upon such order being made, all jurisdiction of the Juvenile Court over such child under Section* 1643 *shall cease and determine.* Such guardianship shall not include the guardianship of any estate of the child. (99 V. 199 No. 31.)

May Agree for Care of Child.

Section 1673. The parents, parent, guardian or other person or persons having the right to dispose of a dependent or neglected child may enter into an agreement with any association or institution, incorporated under any law of this state, which has been approved *by the Board of State Charities as provided by law* * * * * * , for the purpose of aiding, caring for or placing in homes such children, or for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, to appear in any proceeding, for the legal adoption of such child, and consent to its adoption. The order of the judge made upon such consent shall be binding upon the child and its parents, guardian or other person, as if such person were personally in court and consented thereto, whether made party to the proceeding or not. (99 V. 200 No. 32.)

Agent of Institutions.

Section 1674. The *Chief Officer* of the Boys' Industrial School, and of the Girls' Industrial Home, and the managers of any other institution to which juvenile delinquents may be committed, may, each, maintain an agent of such institution, who shall examine the homes of children paroled for the purpose of reporting to such *Chief Officers* or managers, whether they are suitable homes, and assist children paroled or discharged from such institution in finding suitable employment, and maintain a friendly supervision over paroled inmates. Such agent shall hold officer subject to the pleasure of the board making the appointment and shall receive such compensation as the board may determine from funds appropriated for such institution applicable thereto. (99 V. 200 No. 33.)

Judge May Require Information.

Section 1675. (Carried in part to Board of State Charities (Sec. 1352-1). * * * * * At any time the judge may require from an association receiving or desiring so to receive children, such reports, information and statements as he deems proper and necessary. He may at any time require from an association or institution, reports, information or statements concerning any child or children committed to it by him, under the provisions of this chapter.

Approval of Board of State Charities.

Section 1676. Carried to Board of State Charities (Sec. 1352-2).

Association of Other States.

Section 1677. No association *of another state,* incorporated *or otherwise,* shall place a child in a family home within the boundaries of this state, either with or without indenture or for adoption, unless such association shall have furnished the Board of State Charities with such guaranty as it may require that no child having a contagious disease, deformity, feeble mind or vicious character, shall be brought into this state by such association or its agents, and that such association will promptly relieve and remove from the state, a child brought into the state by its agents, which shall become a public charge, within the period of five years thereafter. (99 V. 201 No. 36.)

Penalty.

Section 1678. Whoever * * * * * *violates any of the provisions of Section* 1677 shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars, or both, in the discretion of the judge. (99 V. 201 No. 36.)

Religious Belief.

Section 1679. The judge in committing children shall place them, so far as practicable, in the care and custody of an individual holding the same religious belief as such child or its parents, or with some association which is controlled by persons of like religious faith as such child or its parents. (99 V. 202 No. 37.)

How Chapter Construed.

Section 1680. Nothing herein shall be construed to repeal any provision of law relating to the boys' industrial school or the girls' industrial *school.* (99 V. 202 No. 38.)

When a Child Charged with Felony.

Section 1681. When any information or complaint shall be filed against a delinquent child under these provisions, charging him with a felony, the judge may order such child to enter into a recognizance with good and sufficient surety, in such amount as he deems reasonable, for his appearance before the Court of Common Pleas at the next term thereof. The same proceedings shall be had thereafter upon such complaint as now authorized by law for the indictment, trial, judgment and sentence of any other person charged with a felony. (99 V. 202 No. 39.)

Fees and Costs; How Paid.

Section 1682. Fees and costs in all such cases with such sums as are necessary for the incidental expenses of the court and its officers and the costs of transportation of children to places to which they have been committed, shall be paid from the county treasury upon itemized vouchers, certified to by the judge of the court. (99 V. 202 No. 40.)

How Chapter to Be Construed.

Section 1683. This chapter shall be liberally construed to the end that proper guardianship may be provided for the child, in order that it may be educated and cared for, as far as practicable in such manner, as best subserves its moral and physical welfare, and that, as far as practicable in proper cases, the parent, parents or guardian of such child may be compelled to perform their moral and legal duty in the interest of the child. (99 V. 202 No. 40.)

Jurisdiction of Judge.

Section 1683-1. The judge designates to transact the business arising under the jurisdiction conferred in this chapter shall have jurisdiction of all misdemeanors against minors, and offenses prescribed in sections nine hundred and twenty-eight, six thousand three hundred forty-four, six thousand three hundred and forty-five, six thousand three hundred and seventy-three, twelve thousand six hundred and sixty-four, twelve thousand six hundred and sixty-six, twelve thousand seven hundred and eighty-seven, thirteen thousand and thirty-one, thirteen thousand and thirty-five and thirteen thousand and thirty-eight. In all such cases any person may file with the clerk of the judge exercising the jurisdiction, an affidavit, setting forth briefly, in plain and ordinary language, the charges against the accused, and he shall be tried thereon, and in such prosecutions an indictment by the grand jury or information by the prosecuting attorney shall not be required. The judge shall forthwith issue his warrant for the arrest of the accused, who, when arrested, shall be taken before said judge, and tried according to the provisions of this chapter, and, if found guilty, shall be punished in the manner provided for by law. (Passed May 31st, 1911.)

Support of Women and Children in Certain Cases.

Section 1683-2. *For the partial support of women whose husbands are dead, or become permanently disabled for work by reasons of physical or mental infirmity, or whose husbands are prisoners, when such women are poor, and are the mothers of children under the age of fourteen years, and such mothers and children have a legal residence in any county of the state, the Juvenile Court shall make an allowance to each of such women, as follows: Not to exceed fifteen dollars a month, when she has but one child under the age of fourteen years, and if she has more than one child under the age of fourteen years, it shall not exceed fifteen dollars a month for the first child and seven dollars a month for each of the other children under the age of fourteen years. The order making such allowance shall not be effective for a longer period than six months, but upon the expiration of such period, said court may from time to time, extend such allowance for a period of six months, or less, provided the home of such woman has first been visited by a probation officer or other competent person.* (Commission.)

Amount of Allowance.

Section 1683-3. *Such allowance shall be made by the Juvenile Court, only upon the following conditions: First—the child or children for whose benefit the allowance is made, must be living with the mother of such child or children; Second—the allowance shall be made only when in the absence of such allowance, the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children, except that she may be absent not more than one day a week for work; Third—the mother, must in the judgment of the Juvenile Court, be a proper person, morally, physically and mentally, for the bringing up of her children; Fourth—such allowance shall in the judgment of the court be necessary to save the child or children from neglect and to avoid the breaking up of the home of such woman; Fifth—it must appear to be for the benefit of the child to remain with such mother; Sixth—a careful preliminary examination of the home of such mother must first have been made by the probation officer, an associated charities organiza-*

tion, humane society, or such other competent person or agency as the court may direct, and a written report of such examination filed. (Commission.

Age Limit. Section 1683-4. *Whenever any child shall reach the age of fourteen years, any allowance made to the mother of such child for the benefit of such child shall cease. The Juvenile Court may, in its discretion, at any time before such child reaches the age of fourteen years, discontinue or modify the allowance to any mother and for any child.* (Commission.)

Urgent Cases. Section 1683-5. *Should the fund at the disposal of the court for this purpose be sufficient to permit an allowance to only a part of the persons coming within the provisions of this act, the Juvenile Court shall select those cases in most urgent need of such allowance.* (Commission.)

When No Allowance Allowed. Section 1683-6. *The provisions of this act shall not apply to any woman who,, while her husband is imprisoned, receives sufficient of his wages to support the child or children.* (Commission.)

Penalty. Section 1683-7. *Any person or persons attempting to obtain any allowance for a person not entitled thereto, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars, or imprisonment in the county jail, for a period of not less than two months, or both.* (Commission.)

Records. Section 1683-8. *In each case where an allowance is made to any woman under the provisions of this act, a record shall be kept of the proceedings, and any citizen of the county may, at any time, file a motion to set acide, or vacate or modify such judgment and on such motion said Juvenile Court shall hear evidence, and may make a new order sustaining the former allowance, modify or vacate the same, and from such order, error may be prosecuted, or an appeal may be taken as in civil actions. If the judgment be not appealed from, or error prosecuted, or if appealed or error prosecuted, and the judgment of the Juvenile Court be sustained or affirmed, the person filing such motion shall pay all the costs incident to the hearing of such motion.* (Commission.)

Duty of Commissioners to Provide Funds. Section 1683-9. *It is hereby made the duty of the county commissioners to provide out of the money in the county treasury, such sum each year thereafter as will meet the requirements of the court in these proceedings. To provide the same they shall levy a tax not to exceed one-tenth of a mill on the dollar valuation of the taxable property of the county. The county treasurer shall pay such allowance upon order signed by the juvenile judge.* (Commission.)

Girls' Age Limit.	Section 2107. (Repealed by Commission.)
Hearing.	Section 2108. (Repealed by Commission.)
Fees.	Section 2109. (Repealed by Commission.)
Girl May Demand Jury Trial.	Section 2110. (Repealed by Commission.)

Proceedings When Girl Under Fifteen. Section 2115. (Repealed by Commission.)

Infirmary Directors May Contract for Care of Dependent Children. Section 2547. (Repealed by Commission.)

Notice to County Visitors. Section 2975. The *Juvenile Judge* * * * in each county, whenever proceedings are instituted before him to commit a child * * * * * to the boys' industrial school, or girls' industrial school, *may notify* * * * * * the Board of county visitors of the county *of the pendancy of such proceedings and thereupon it shall be the duty of such Board to attend and protect the interest of such child.*

When Inmates of Children's Home Committed to Reformatory. Section 7775. (Repealed by Commission.)

CHAPTER 3.

INSTITUTION FOR FEEBLE MINDED YOUTH.

Section 1898. Cost of maintenance of children over fifteen years of age.
To be repealed.

Section 1899. Cost of inmate under contract not to be charged to county.
To be repealed.

Section 1903. Probate judge to state financial ability of person or parent to defray expense of support.
To be repealed.

Assistant Agents. Section 1815-8. In order to facilitate the investigation of the financial condition of the inmates in such institutions, and of persons liable for their support, the board of state charities may * * * * employ assistant agents not to exceed five in number, who shall receive an annual salary of not more than fifteen hundred dollars, and necessary expenses. * * * * * *

Cost of Maintenance of Inmates. Section 1815-11. *The county from which an inmate of the institution for feeble minded was committed shall be liable for such inmate's support provided the same is not paid otherwise as provided by this act. The treasurer of each county shall pay the semi-annual draft of the cashier of the board of state charities for the aggregate amount chargeable against such county for the preceding six months for all inmates therefrom not otherwise supported.*

Section.

2083 Boys' industrial school.
2084 Admission of youth to school.
2085 Admission of convicts to school.
2086 Committed on recommendation of Grand Jury.
2087 Conveyance to school of sentenced youth.
2088 Superintendent may apprentice inmates.
2089 Record officer and his duties.
2089–1 Appointment of chaplain, salary and duties.
2090 Statistics.
2091 Superintendent may parole inmates.
2092 Paroled inmates may be retaken.
2093 Compensation of person other than sheriff.
2094 Education of inmates.
2095 Powers of board as to juvenile offenders.
2096 Transfer of inmates to reformatory.
2097 Officers shall work with the inmates.
2098 *Repealed by Commission.*
2099 Superintendent may sell power.
2100 School made special road district.

Boys Industrial School.

Section 2083. The reform school, situated in the county of Fairfield, shall be known and designated as the boys' industrial school. Its object shall be the reformation of those committed to its charge. All youths committed thereto shall be committed until they arrive at full age, unless sooner reformed. (R. S. Sec. 752; 764a.)

Admission of Youths to School.

Section 2084. Male youth, not over *eighteen* nor under ten years of age, may be committed to the boys' industrial school by any judge of the common pleas, *Judge of the Juvenile Court, Municipal or Police Court,* on conviction of an offense against the laws of the state. (R. S. Sec. 753.)

Admission of Convicts to School

Section 2085. Such youth convicted of a crime or offense, the punishment of which, in whole or part, is confinement in jail, or the penitentiary, at the discretion of the court giving sentence, instead of being sent to the jail or penitentiary, may be committed to the boys' industrial school. (R. S. Sec. 754.)

Committed on Recommendation of Grand Jury.

Section 2086. Such youth against whom a crime is charged before a grand jury, if the charge is supported by sufficient evidence to put him on trial, may be committed by the court to the boys' industrial school on the recommendation of the grand jury, without presenting an indictment. (R. S. Sec. 755.)

Conveyance to School of Sentenced Youth.

Section 2087. Any youth upon being sentenced to the boys' industrial school, within five days after such sentence, unless the court giving such sentence shall otherwise order, shall be conveyed to the school by the sheriff of the county in which the conviction was had, or by a suitable person designated by the court giving sentence, and delivered into the

custody of the superintendent of the school, with a statement of the offense for which he was convicted, his age, and a copy of the sentence. (R. S. Sec. 756.)

Superintendent May Apprentice Inmates.

Section 2088. The * * * * * superintendent shall have the same power to apprentice inmates as the directors of houses of refuge. In case of apprenticeship, the indentures shall be filed at the institution, and no other record thereof is necessary. When *he* deems it for the benefit of a youth so apprenticed, the *Superintendent* may cancel the indentures and reclaim him. (R. S. 757.)

Record Officer and his Duties.

Section 2089. The *Superintendent* may employ a record officer who shall keep a record containing the names and residences of all boys who have been inmates of the school, *have been placed in* private homes * * * * or discharged from the school as reformed. Such officer by correspondence and travel shall observe and ascertain the conduct of, and if possible, keep in communication with, such boys after leaving the school, assist them to obtain and keep employment, and aid them by counsel and encouragement in leading sober and industrious lives. (R. S. Sec. 757a.)

Appointment of Chaplain. Salary and Duties.

Section 2089-1. *The State Board of Administration, shall appoint a Chaplain, who shall perform the ordinary duties of such office, and such other duties as may be prescribed by the Board. He shall receive a salary to be fixed by the Board, and the Superintendent shall assign him suitable offices, and living compartments sufficient for himself and family, with all the necessary furniture, fuel and provisions for himself and family. He shall devote his entire time to the duties of his office.* (Commission.)

Statistics.

Section 2090. By observation and inquiry the record officer shall also collect social statistics bearing on the home environment of the inmates, seek homes and employment for such inmates as are entitled to release but are detained because of being orphans or homeless. Such officer shall keep and submit from time to time to the *Board* a record of his proceedings. The term of his employment shall be subject to the discretion of the *Superintendent.* (R. S. Sec. 757a.)

Superintendent May Parole Inmates.

Section 2091. *The Board shall* establish rules and regulations under which inmates may be allowed to go upon parole, in legal custody and under the control of *the Superintendent,* and subject at any time, *for violation of any of the conditions of his parole* to be taken to the school. No inmate shall be paroled except upon the written recommendation of the Superintendent, and not then unless the Board finds that there is reasonable ground to believe that he will obey the law *and the conditions of his parole,* while at liberty, and that his parole is not incompatible with the welfare of society. (R. S. Sec. 757b.)

Paroled Inmates May be Retaken

Section 2092. The *Superintendent shall* enforce such rules and regulations, and retake any inmate so upon parole. *The* written order certified by the Superintendent shall be sufficient warrant for any officer named therein to arrest and return such inmate to the school. An officer named in the order shall be under duty to arrest and return to the school any paroled inmate named therein. (R. S. Sec. 757 b.)

Compensation of Person other than Sheriff.

Section 2093. The person other than the sheriff, deputy sheriff or other officer receiving a fixed salary from the county, shall receive as compensation for delivering a youth to the school, two dollars, two cents per mile each way from his home to the school by the usual route of travel, and in addition thereto his actual and necessary expenses incurred, to be paid out of the county treasury upon the certificate of the proper officer of the court which committed him and the warrant of the county auditor, unless convicted of a crime the punishment of which is confinement in the penitentiary, in which case the costs in the case and the expense of his transportation upon a like certificate shall be paid out of the state treasury.

Education of Inmates.

Section 2094. The inmates of the school shall receive such education, and be instructed in such branches of industry, agricultural or mechanical, or otherwise as the Board determines, their reformation and preparation for usefulness being kept in view in the administration of the institution. For this purpose the Board may introduce and carry on any branches of industry that are thought to be conducive to these ends. (R. S. Sec. 760.)

Powers of Board as to Juvenile Offenders.

Section 2095. * * * * * *The Board* may cause any juvenile offender, confined in the penitentiary, or a house of refuge, or sentenced to the penitentiary, to be transferred to the boys' industrial school, the expense of which shall be paid by the state. While at such school, a person so removed or sentenced to the penitentiary, shall be governed by the same rules and regulations relative to deportment and discharge as other persons committed to such institutions. The *Board* may also remand or transfer to the penitentiary offenders sentenced thereto, and so transferred, to serve out that part of their respective sentences remaining unexecuted at the time of such transfer. (R. S. Sec. 761.)

Transfers of Inmates to Reformatory.

Section 2096. Upon the written application of the superintendent of the school * * * * * * the *Board* may transfer to the Ohio state reformatory any inmate of the school, who at the time of transfer is more than sixteen years of age, and who was committed to the school for the commission of a crime punishable by imprisonment in the reformatory. A person so transferred shall be received by the *Superintendent* of the reformatory, and be governed by its rules and regulations as if he had been committed thereto upon his conviction. (R. S. Sec. 761a.)

Officers Shall Work With Inmates.

Section 2097. The subordinate officers and employes of the school shall participate in the manual labor and other exercises of the inmates. (R. S. Sec. 762.)

Section 2098 repealed.

Superintendent May Sell Power.

Section 2099. The *Superintendent* of the school by contract may sell power from the power plant in the institution, and the proceeds therefrom may be used for the purposes of the institution. (95 v. 7 No. 1, 2.)

School Made Special Road District.

Section 2100. The boys' industrial school, with the lands thereto attached, shall be a special road district, and the superintendent is vested with all the powers of a road superintendent therein. He may alter the public roads on such lands in any manner found to be necessary for the general plan and outline thereof. No alteration shall be made by which

existing roads will be greatly lengthened, their grade materially increased, or their general use to the public materially impaired. Before being made, such alterations must be approved by the commissioners of the county of Fairfield. (R. S. Sec. 764.)

GIRLS' INDUSTRIAL SCHOOL.

Sections.

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Object of the School.

Section 2101. The girls' industrial *school* shall be for the instruction, employment and reformation of evil-disposed, incorrigible, and vicious girls. (R. S. Sec. 765.)

Chief Matron.

Sec. 2101-1. * * * * * The Ohio board of administration shall appoint a chief matron who shall have executive charge of said institution with all the powers and duties now or hereafter given by law to or imposed on superintendents of public institutions, in so far as the same are applicable. Such chief matron shall receive an annual salary of not less than twelve hundred nor more than two thousand dollars, as may be determined by the board. (G. C. 2101-1.)

Management of Farm.

Section 2102. The *Chief Matron* shall direct the general management of the farm, relating to its mechanical, architectural and horticultural productions, and for this purpose may employ suitable persons to superintend the different producing interests prosecuted thereon. The *Chief Matron* shall

cause the accounts of the institution to be so kept that the profits over the expenses of maintaining the school can be ascertained. When so ascertained, the *Chief Matron* shall fund such annual profits for distribution among the girls, in shares, to be paid them pro rata, when honorably discharged from the institution. *She* shall also see that the productions not needed for the institution are sold to the best advantage. The value of all productions, used or sold, shall be duly accounted for in the annual report. (R. S. Sec. 768.)

General Charge of Girls.

Section 2103. With such subordinate officers as the *Chief Matron* shall appoint, the *Chief Matron* shall have the general charge and custody of the girls. *She* shall be a constant resident at the *School,* and, under the direction of the *Ohio Board of Administration,* shall discipline, govern, instruct, employ, and use her best endeavors to reform the girls in such manner as, while preserving their health, and promoting the proper development of their physical system, will secure, as far as possible, the formation of moral and industrial habits, and regular thorough progress and improvement in their studies, trades and employments. (R. S. Sec. 779.)

Section 2103-1. Changed to 2101-1.

Enticing Girl on Parole.

Section 2103-2. Subject to the approval of the *Board,* the *Chief Matron* of the girls' industrial *School* shall appoint a capable and experienced woman physician who shall reside at the *School.* She shall give the necessary medical attention to the inmates and *shall have supervision over instructions in physiology, hygiene and physical culture.* The *Board* shall fix the salary which shall not be less than twelve hundred nor more than eighteen hundred dollars per year. (102 V. 307-1.)

Bond of Chief Matron.

Section 2104. Repealed.

Duties of Chief Matron.

Section 2105. The *Chief Matron* shall have charge of the property pertaining to the *School,* within the precincts thereof, and in suitable books keep complete accounts of *her* receipts and expenditures, and of all property intrusted to *her,* showing the income and expenses of the institution. *She* also must account to the treasurer in such manner as the *Board* requires, for all moneys received by *her. Her* books, accounts and documents, relating to the *School,* shall at all times be open to the inspection of the *Board. She* shall keep a *card system* containing the names and age of each girl, and, as far as possible, the circumstances connected with her history prior to the time of admission to the *School,* and add thereto such facts as come to *her* knowledge relating to her history while at the institution, and after leaving it. (R. S. Sec. 780.)

Technical Industrial School.

Section 2106. In addition to the school for *instruction,* the *Board* shall institute and maintain, at such *school* a technical industrial school in which the inmates shall be taught the various lines of manual skill of such character as to prepare them to perform the skilled labor required to fit them for self support when released therefrom. Such school shall be maintained at least ten months each year, and be under the direction and management of a competent principal and a trained corps of teachers. The principal must be a graduate of Pratt's institute or some technical

and industrial school, or college, of equal rank and standing, and be versed in the principles of manual, industrial and technical training. *The Principal shall receive a reasonable salary.* (98 v. 182, No. 1.)

Section 2107. Repealed by Commission.

Section 2108. Repealed by Commission.

Section 2109. Repealed by Commission.

Section 2110. Repealed by Commission.

Transfer to and from other Penal Institutions.

Section 2111. A girl under the age of eighteen years sentenced to imprisonment in the penitentiary, county jail or other penal institution, at any time after such sentence and before the expiration thereof, may be * * * * * *transferred to the Girls' Industrial School, on the written order of the Ohio Board of Administration, to serve the unexpired part of the sentence. Such transfer shall be made, if it shall be made to appear that it will be conducive to her reformation, and not prejudicial to the school. The Chief Matron of the school shall receive such girl so transferred, and if she finds at any time that the best interest of the school requires a return of such girl to the penal institution from which she came, she may so recommend to the Board, which is empowered to order the return of such girl. The Ohio Board of Administration, on the recommendation of the Chief Matron, may transfer to the Ohio Reformatory for Women an apparently incorrigible inmate whose presence in the school appears to be detrimental to the welfare of the institution.* (R. S. Sec. 772.)

Detention and Discharge.

Section 2112. A girl, duly committed to the *School* shall be kept there, disciplined, instructed, employed and governed under the direction of the *Board,* until she is either *thought to be* reformed or discharged, or bound out by the *Chief Matron* according to the by-laws of the *institution,* or has attained the age of twenty-one years. *Provided that the Board may discharge a girl as a reward of merit three months before she attains the age of twenty-one years.* With the approval of the governor, after a full statement of the cause, the *Secretary of the Board* may discharge and return to the parents, guardian, or *Juvenile Court* of the County from which she was committed, who may place her under the care of the infirmary *Superintendent* of the county, any girl whom *he* thinks ought to be removed from the *School.* In such case *he* shall enter upon *his* record the reason for her discharge, a copy of which, signed by the secretary, shall be forthwith transmitted to the *Juvenile Court* of the county from which the girl was committed. (R. S. Sec. 773.)

Parole.

Section 2112-1. That the *Ohio Board of Administration* shall establish rules and regulations under which the inmates of the *Girls' Industrial School* may be conditionally released upon parole in legal custody and under the control of the *Chief Matron* and subject at any time to be returned to the institution. No inmate shall be paroled except upon the written recommendation of the *Chief Matron,* or a member of the *Board,* unless the *Board* is of the opinion that there is reasonable ground to believe that she will conduct herself in a lawful and proper manner while at liberty, and that her parole will not be incompatible with the welfare of society. (Act May 31st, 1911.)

Return of Inmates.

Section 2112-2. The *Chief Matron* shall enforce such rules and regulations and return any inmate so on parole. *Her* order shall be sufficient warrant for any officer to arrest and return such inmate to the *School.* * * * * * It shall be *the* duty of *any officer* to arrest and return to the Girls' Industrial *School any* paroled inmate *upon such order of the Chief Matron.* (Act May 31st, 1911.)

Parole Officers.

Section 2112-3. To carry out the purposes of this act the *Chief Matron,* with the consent of the *Board,* shall appoint not *less than* four discreet women, *who shall be under the direction and control of the Chief Matron,* to act as parole officers. Their salaries and expenses shall be paid as provided in section 2215 of the General Code. It shall be their duty to seek homes and employment for inmates who may be paroled, and to exercise a kindly supervision while upon parole. They shall also investigate the qualifications and ability of parents and other persons who seek to receive paroled or discharged inmates into their homes. (Act May 31st, 1911.)

One-third of Consideration paid to Chief Matron in Trust for Inmates.

Section 2112-4. *When an inmate of the Girls' Industrial School is paroled or indentured under contract of employment, it shall be lawful for the Board to require that not more than one-third of the consideration named in the contract of employment shall be paid monthly to the Chief Matron, and by her deposited in a savings bank, to be held in trust for such inmate, and with any interest thereon to be paid to her upon final discharge, provided that she has conducted herself in an honorable and reasonably satisfactory manner while so employed. If it becomes necessary to return her to the institution because of any delinquency or misconduct on her part, she shall forfeit all claims to said deposits and interest, and they shall forthwith, upon the order of the Board, be paid to the treasurer of state and placed to the credit of the general revenue fund of the state.* (Act May 31st, 1911.)

To Receive Back Girl Who has Been Discharged.

Section 2113. When the best interest demands it, with the approval of the full *Board,* the *Chief Maron* may receive back into the *School* any girl under twenty-one years of age, who has been discharged therefrom. (R. S. Sec. 773.)

Return After Escape.

Section 2114. An inmate of the Girls' Industrial *School* who escapes therefrom, if captured before the expiration of the time for which she was committed, may be returned to the *School* by the *Chief Matron* and at *her* option, there be kept for a period not to exceed one year in addition to the term for which she was committed. (R. S. Sec. 773.)

Proceedings When Girls Under Eighteen.

Section 2115. When a girl between nine and *eighteen* years of age is brought before a court of criminal jurisdiction, charged with an offense, punishable by a fine or imprisonment other than imprisonment for life, and who, if found guilty, would be a proper subject for commitment to the *School,* the court, by warrant or order, shall cause her forthwith to be taken before the *Juvenile* judge of the proper county, and shall transmit to him the complaint, indictment, or warrant, by virtue of which she was arrested. Such *Juvenile* judge shall proceed in the same manner as if she had been brought before him on the original complaint. (R. S. Sec. 774.)

Girls may be Apprenticed.

Section 2116. The *Chief Matron* may bind out, as an apprentice or servant, any girl committed to *her* charge, for a term not longer than until she arrives at the age of *eighteen* years. The person to whom the girl is bound, by the terms of the indenture, shall be required to report to the *Chief Matron* as often as once *each* month, her conduct and behavior, and whether she is living under his care, and, if not, where she is. (R. S. Sec. 775.)

Transfer of Indenture.

Section 2117. A person receiving an apprentice under the provisions of the preceding section shall not assign or transfer the indenture of apprenticeship, nor let out her service without the consent in writing of the *Chief Matron.* If the person, for any cause, desires to be relieved from the contract, the *Chief Matron,* upon application, may cancel the indenture and resume the charge and management of the girl, with the same authority over her as before the indenture was made. (R. S. Sec. 776.)

Ill-treatment of Indentured.

Section 2118. If such person is guilty of cruelty or ill-treatment toward the girl so bound to service, or of any violation of the terms of the indenture, she or the *Chief Matron* may make complaint to the *Juvenile Judge* of the proper county, who shall summon the parties before him, and examine into the complaint. If it appears to be well founded, by certificate he shall discharge her from all obligations of future service, and restore her to the *School.* (R. R. Sec. 777.)

Chief Matron shall be Guardian.

Section 2119. The *Chief Matron* shall be the guardian of each girl so bound or held to service, shall take care that the terms of the contract are faithfully fulfilled, that she is properly treated, and shall cause any grievance to be redressed. (R. S. Sec. 778.)

Appointment of Physician.

Section 2119-1. *Whoever by letter or otherwise, influences or attempts to influence any girl while on parole from the Girls' Industrial School to leave her home or place of employment or to violate any of the conditions of her parole, shall upon conviction be fined not less than* $10.00 *and not more than* $500.00, *or imprisoned for not more than one year, or both.* (Commission.)

OHIO STATE REFORMATORY.

Section

2129 Appointment; duties and salary of Chaplain.
2130 Labor on buildings by inmates.
2131 Who may be sentenced to reformatory.
2132 Sentence must be general.
2133 Erroneous sentence.
2134 Sheriffs duties after conviction and sentence.
2135 Control and record of prisoners.
2136 Discipline and labor of prisoners.
2137 Industrial training school.
2138 Earnings of prisoners.
2139 Transfer of prisoner.

2140 Transfer of prisoner to penitentiary.
2141 Parole of prisoner.
2142 Notice of parole to be published.
2143 No petition or outside influences permitted.
2144 Return of parole prisoner.
2145 System of credits.
2146 Release of prisoner.
2147 Recommendation of pardon.

Explanatory.

Sections 2120 to 2128 inclusive of the original act as evidenced by the General Code, were repealed by an act, creating a Board of Administration, passed May 11th, 1911, approved by the Governor May 17th, 1911, Vol. 102 Ohio Laws, page 223. Under and by virtue of this act of May 11th, the board thereby created succeeded to, and have all the powers, as well as others expressly conferred, of the Board of Managers under the original act.

Appointment; Duties and Salary of Chaplain.

Section 2129. The *Superintendent* shall appoint a chaplain, who shall perform the ordinary duties of such office and such other duties as are prescribed by the board. In connection with the superintendent, he shall make special observation and reports of the conduct, moral character and standing of the prisoners, and their eligibility for parole. He shall receive a salary to be fixed by the *Ohio Board of Administration, and the Superintendent* shall assign him suitable rooms in the reformatory and necessary furniture, fuel and provisions for himself and family. He shall devote his entire time to the duties of his office. (88 v. 384 No. 6.)

Labor on Buildings by Inmates.

Section 2130. The labor necessary for the construction of shops and other buildings and the repair thereof, and for the enclosure and care of the grounds of the reformatory shall be performed by the inmates as far as practicable. (88 v. 384 No. 6.)

Who May Be Sentenced to Reformatory.

Section 2131. The *Superintendent* shall receive all male criminals between the age of sixteen and thirty years sentenced to the reformatory, if they are not known to have been previously sentenced to a state prison. Male persons between the ages of sixteen and twenty-one years convicted of felony shall be sentenced to the reformatory instead of the penitentiary. Such persons between the ages of twenty-one and thirty years may be sentenced to the reformatory if the court passing sentence deems them amenable to reformatory methods. No person convicted of murder in the first or second degree shall be sentenced or transferred to the reformatory. (95 v. 251 No. 7.)

Sentence Must Be General.

Section 2132. Courts imposing sentences to the Ohio State Reformatory shall make them general, and not fixed or limited in their duration. The term of imprisonment of prisoners shall be terminated by the *Ohio Board of Adminstration,* as authorized by this chapter, but the term of such imprisonment shall not exceed the maximum term, nor be less than the minimum term provided by law for such felony. (95 v. 251 No. 10.)

Erroneous Sentence.

Section 2133. If, through oversight or otherwise a sentence to the reformatory should be for a definite period, it shall not for that reason be void, but the person so sentenced shall receive the benefits and be subject to the liabilities of this chapter, as if he had been sentenced in the manner required by law. In such case the *Ohio Board of Administration* shall deliver to such person a copy of this chapter and written information of his relation to them. (88 v. 387 No. 17.)

Sheriff's Duties After Conviction and Sentence.

Section 2134. Within *five* days after a person is sentenced to the reformatory unless the execution of such sentence be suspended, he shall be conveyed thereto by the sheriff of the county in which he was convicted, and delivered into the custody of the superintendent thereof, there to be safely kept until released by the *Ohio Board of Administration* or pardoned by the Governor. The sheriff shall also leave a copy of the sentence of the court with such superintendent. If the execution of a sentence is suspended and the judgment is afterwards affirmed, the defendant shall be conveyed to the reformatory within *five* days thereafter. In transporting a prisoner to the reformatory, the sheriff shall perform like duties, have like powers and receive like compensation as provided by law for transporting prisoners to the penitentiary. (95 v. 251 No. 10.)

Control and Record of Prisoners.

Section 2135. *The Ohio Board of Administration* shall maintain such control over prisoners committed to *its* custody as may prevent them from committing crime, secure their self support and accomplish their reformation. When a prisoner is received the *Superintendent* shall cause to be entered in a register the date of his admission, his name, age, nativity and nationality, with such facts as can be ascertained of his parentage, early education and social influences which indicate the constitutional defects and tendencies of the prisoner and the best probable plan of treatment. Upon such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character and notes as to methods and treatment employed. All orders or alterations affecting the standing or situation of the prisoner, the circumstances of his final release and subsequent facts of his personal history which may be brought to the knowledge of the *Superintendent* shall also be entered therein. (88 v. 387 No. 15.)

Discipline and Labor of Prisoners.

Section 2136. The discipline to be observed in the institution shall be reformatory and the *Ohio Board of Administration* shall employ such means for reformation or improvement as may be expedient. The labor imposed upon the inmates or industrial pursuits prescribed for them shall be such as the board directs, but the contract system of prison labor shall not be employed. (97 v. 80 No. 8.)

Industrial Training School.

Section 2137. The superintendent, with the authority and under the direction of the *Ohio Board of Administration,* may expend not to exceed fifty per cent of the gross earnings of the inmates for the equipment and maintenance of industrial training schools. Such schools shall be conducted so that the inmates shall be taught and trained in various arts of such character as to enable them to perform the skilled labor required at the re-

formatory, and fit them for self-support when released therefrom. The Superintendent shall make detailed monthly reports to the auditor of state of all moneys received and expended under the provisions of this section. (97 v. 82 No. 8.)

Earnings of Prisoners.

Section 2138. The superintendent shall place to the credit of each prisoner such amount of his earnings as the *Ohio Board of Administration shall* deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned and his general deportment. Such credit shall not exceed twenty per cent of his earnings and shall be paid to him or his family at such time or in such manner as the board directs, but not less than twenty-five per cent shall be left for and paid to such prisoner when he is restored to his citizenship. The superintendent, with the approval of the board, for violation of rules, want of propriety or other misconduct, may cancel such portion of such credit as he deems proper. (97 v. 82 No. 8.)

Transfer of Prisoner.

Section 2139. *The Ohio Board of Administration* may receive and detain during the term of their sentences to the penitentiary, prisoners transferred therefrom. The laws applicable to convicts in the penitentiary, so far as they relate to the commutation of imprisonment for good conduct, shall be applicable to such convicts when so transferred. The board * * * * * * *may transfer to the reformatory* from the boys' industrial school such of its inmates as *it* deems advisable. (88 v. 386 No. 14.)

Transfer of Prisoner to Penitentiary.

Section 2140. *The Ohio Board of Administration,* with the written consent of the governor, may transfer to the penitentiary a prisoner, who, subsequent to his committal, shall be shown to have been more than *thirty* years of age at the time of his conviction or to have been previously convicted of crime. *The Ohio Board of Administration* may so transfer an apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well being of the institution. (88 v. 385 No. 11.)

Parole of Prisoner.

Section 2141. *The Ohio Board of Administration* shall establish rules and regulations under which prisoners may be allowed to go upon parole in legal custody, under the control of the *Ohio Board of Administration* and subject to be taken back into the enclosure of the reformatory. A prisoner shall not be eligible to parole, and an application for parole shall not be considered by the board, until such prisoner has been recommended as worthy of such consideration by the superintendent and chaplain of the reformatory. (95 v. 252 No. 12.)

Notice of Parole to Be Published.

Section 2142. Before consideration by the *Ohio Board of Administration* notice of such recommendation shall be published for three consecutive weeks in two newspapers of opposite politics in the county from which the prisoner is sentenced, or in the county of the residence of the prisoner. The expense of such publication shall not exceed one dollar for each paper. A prisoner shall not be released upon parole unless, in the judgment of the board, there is reasonable ground to believe that, if so released, he will be and remain at liberty without

violating the law, and that such release is not incompatible with the welfare of society. Such judgment shall be based upon the record and character of the prisoner in the reformatory, his previous record, the nature and character of the crime committed and other facts which the board may be able to obtain bearing upon the advisability of such parole. A prisoner shall not be paroled without receiving the votes of all members of the board present at a regular or special meeting, *and when a prisoner so paroled, has during such parole performed all the conditions imposed, the Ohio Board of Administration may finally release and discharge him.* (95 v. 252 No. 12.)

No Petition or Outside Influences Permitted.

Section 2143. A petition or application for the release of a prisoner shall not be entertained by the *Ohio Board of Administration,* and no attorney or other person shall appear before the board as applicant for the parole of the prisoner. The board may make such inquiries as is advisable as to the previous history or environment of such prisoner, or his probable surroundings if paroled. Such inquiries shall be instituted by the *board itself* and all information thus received shall be confidential. (95 v. 252 No. 12.)

Return of Parole Prisoner.

Section 2144. The *Superintendent* shall enforce the rules and regulations relating to paroles, and may retake and reimprison a prisoner upon parole. *His* written order certified by *his* secretary shall be sufficient warrant for officers named therein to arrest and return to actual custody a conditionally released or paroled prisoner. If a paroled prisoner is in the custody of an officer of the law, either under an order of arrest or by virtue of a conviction and sentence for a crime other than *murder in the first or second degree,* manslaughter, *rape or arson,* such order shall be a sufficient warrant to take such paroled prisoner into the custody of an officer of the reformatory. The officers named in such order shall arrest and return to custody a conditionally released or paroled prisoner. The *Ohio Board of Administration* may make rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, temporary or conditional release and return of prisoners of the reformatory. (95 v. 253 No. 13.)

System of Credits.

Section 2145. The *Ohio Board of Administration,* under a system of marks or otherwise, shall make a uniform plan to determine what number of marks or credits shall be earned by each prisoner with a view to increase privileges, or to release from its control. Such plan shall be subject to revision. Each prisoner shall be credited for good personal demeanor, diligence in labor or study, and results accomplished, and debited for dereliction, negligence or offenses. The *Superintendent* shall establish rules and regulations by which each prisoner's account of marks shall be made known to him as often as once a month, and make provision by which a prisoner may see and converse with one or more of the *officers of the institution* during each month. (95 v. 253 No. 16.)

Release of Prisoner.

Section 2146. When there is a reasonable probability that a prisoner's release or parole will not be incompatible with the welfare of society, *the Ohio Board of Administration* may grant an absolute release to such prisoner, certifying the fact of such release and the grounds thereof to the governor, who may thereupon restore such prisoner to citizenship.

Nothing herein contained shall impair the power of the governor to grant a pardon or commutation in any case. (95 v. 253 No. 16.)

Recommendation of Pardon.

Section 2147. The *Ohio Board of Administration* may recommend that a prisoner be pardoned, without the intervention of the state board of pardons. Such recommendation shall require the votes of all the members of the board present at a regular or special meeting and such pardon shall first be recommended by the superintendent and chaplain of the reformatory. (95 v. 253 No. 16.)

CHILDREN'S HOMES AND ASYLUMS.

ORPHAN ASYLUMS.

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ORPHAN ASYLUMS.

Requests for Orphan Asylum.

Section 3070. The county commissioners may receive bequests, donations, and gifts, real and personal, for the purchase of a site to erect thereon and maintain an orphan asylum, *provided, however, that the Board of State Charities must first approve of the establishment of such asylum.* (R. S. Sec. 923.)

When May Erect Asylum.

Section 3071. When, in the opinion of the commissioners, the bequests, donations, or gifts received by them are sufficient therefor, they may proceed to the purchase of a site, and the erection thereon of an orphan asylum. (R. S. Sec. 924.)

Board of Directors.

Section 3072. When the asylum is completed, the county commissioners shall appoint six judicious persons, residents of the county, who shall form a board of directors to take charge of such asylum and manage its affairs under such rules and regulations as they establish, or are prescribed by law. The two first named directors shall serve for two years, the second two for four years, and the third two for six years, and as their terms of office expire, their successors shall be appointed for the term of six years. (R. S. Sec. 925.)

Duties of Directors; Treasurer; Bond.

Section 3073. The directors of such asylum shall discharge gratuitously the duties required of them by law. They shall elect from their own number a president, treasurer, and secretary. The treasurer shall give bond to the state, in such sum as the county commissioners require, for the safe keeping and disbursement of moneys that come into his hands as such treasurer. (R. S. Sec. 925.)

Annual Report.

Section 3074. Each year, the directors of such asylum shall make to the county commissioners, a full report of the receipts and disbursements of the Asylum, the number of orphans received into and discharged therefrom, and any other matters they deem of interest to the institution, or the public. Each report shall be published by the county commissioners in a newspaper having general circulation in the county. (R. S. Sec. 926.)

Investments.

Section 3075. Funds coming into the hands of the county commissioners for such purposes, not immediately needed therefor, may be invested by them in unincumbered real estate mortgages or bonds of the state or United States, the proceeds to be credited to the asylum fund. (R. S. Sec. 927.)

When it May be Changed Into Children's Home.

Section 3076. If not inconsistent with the terms of any devise, bequest, or donation for the establishment of such asylum, it may be changed into or connected with a children's home belonging to such county. (R. S. Sec. 928.)

COUNTY CHILDREN'S HOMES.

Establishment of Children's Home Submitted to Vote.

Section 3077. When in their opinion the interests of the public so demand, the commissioners of a county may, or upon the written petition of two hundred or more taxpayers, shall, *provided the approval of the Board of State Charities has been first obtained,* at the next regular election submit to the qualified electors of such county, or of the counties forming a district, the question of establishing a children's home for such county or district, and the issue of county bonds or notes to provide funds therefor. Notice of such election shall be published for

at least two weeks prior to taking such vote, in two or more newspapers printed and of general circulation in such county or in the counties of the district, and shall state the maximum amount of money to be expended in establishing such home. (R. S. Sec. 929.)

Duty of Commissioners if Vote is Favorable.

Section 3078. If at such election a majority of electors voting on the proposition are in favor of establishing such home, the commissioners of the county or of any adjoining counties in such district, having so voted in favor thereof, shall provide for the purchase of a suitable site and the erection of the necessary buildings and provide means by taxation for such purchase and the support thereof. Such institution shall be styled the children's home for such county or district. (R. S. Sec. 929.)

May Issue Bonds In Anticipation of Tax.

Section 3079. In anticipation of the collection of taxes levied or to be levied for the purchase of such site and erection of such buildings, or for the purchase of a suitable site and buildings already erected thereon, the commissioners of any county may issue the notes or bonds of the county, to bear interest not to exceed six per cent per annum, payable semi-annually, which shall not be sold for less than their par value. (R. S. Sec. 929.)

May Receive and Hold Property in Trust.

Section 3080. Such commissioners may receive and hold in trust for the use and benefit of the home, any grant or devise of land and any donation, bequest, money or other personal property that may be made for the establishment and support of such home. (R. S. Sec. 929.)

Trustees, Terms of.

Section 3081. When the necessary site and buildings are provided by the county, the county commissioners shall apoint a board of four trustees, as follows: One for one year, one for two years, one for three years, and one for four years, from the first Monday of March thereafter. Not more than two of such trustees shall be of the same political party. Annually thereafter on the first Monday of March, said commissioners shall appoint one such trustee, who shall hold his office for the term of four years and until his successor is appointed and qualified. (R. S. Sec. 930.)

Vacancy, How Filled; Removals.

Section 3082. The commissioners shall immediately fill a vacancy caused by death, resignation or removal, by appointment for the unexpired term. They may remove any trustee appointed by such board of commissioners for cause impairing faithful, efficient and intelligent administration, or for conduct unbecoming to such office, after an opportunity is given to be heard upon written charges, but no removal shall be made for political reasons. (R. S. Sec. 930.)

Trustees May Accept Bequest to County Children's Home.

Section 3083. When a person has bequeathed, or hereafter bequeaths any property to the use and benefit of a county children's home, the trustees thereof may accept and use such bequest as they deem for the best interests of the institution consistent with the provisions and conditions of such bequest. (R. S. Sec. 936a.)

Superintendent; How Appointed.

Section 3084. The board of trustees shall designate a suitable person to act as superintendent of the home, and who shall receive for his services such compensation as the board of trustees designates at the time of his appointment. He shall perform such duties, and give security for their faithful performance, as the trustees require. (R. S. Sec. 930.)

Duties of Superintendent, Matron and Teacher.

Section 3085. Subject to such rules and regulations as the trustees prescribe, the superintendent shall have entire charge and control of such home and the inmates therein. Upon the recommendation of the superintendent, the trustees may appoint a matron, assistant matron, teacher *or teachers* whose duties shall be the care of the inmates of the home, and to direct their employment, giving suitable physical, mental and moral training to them. Under the direction of the superintendent, the matron shall have the control, general management and supervision of the household duties of the home, and the matron, assistant matron, teacher, *or teachers,* shall perform such other duties, and receive for their services such compensation as the trustees may by by-laws from time to time direct. They may be removed *by the superintendent* or at the pleasure of the trustees, or a majority of them. *A licensed physician shall be employed, who shall at least quarterly make a physical and mental examination of all the inmates of such home, and a record of such examination shall be kept. When necessary, experts may be employed to give the proper treatment, or a child may be sent to a suitable institution for treatment at the expense of the county.* (R. S. Sec. 930.)

Superintendent May Suspend Employe.

Section 3086. The superintendent may suspend temporarily a matron, assistant matron or teacher, notice of which must be immediately given to the board of trustees for their approval or disapproval but, if in their judgment it is for the best interest of the home and of the county, the trustees may dispense with a superintendent and authorize the matron to assume entire charge of the home and its management. (R. S. Sec. 930.)

Trustees Shall Receive No Compensation.

Section 3087. The trustees shall not receive any compensation for their services, but they and the superintendent shall be allowed their necessary expenses while on duty, including expenses as duly accredited delegates to state and national conferences devoted to child-saving, and other charitable and correctional work, and such expenses shall be paid in the same manner as other current expenses of children's homes, and shall not exceed *six* hundred dollars in any year for any county. (R. S. Sec. 930.)

Clerk to Report Names and Ages to Auditor.

Section 3088. During the two weeks ending on the fourth Saturday in July, the clerk of the board of trustees shall take and return to the county auditor the names and ages of all youth of school age in such home. The state common school fund, not otherwise appropriated by law, shall be apportioned in proportion to the enumeration of youth, to such home and other districts, subdistricts and joint subdistricts within the county. The amount of money due such home under such apportionment shall be set apart by the auditor of the county, and shall become a part of the children's home fund and used to maintain

a common school in such home, and shall be paid out on certificate of the trustees, stating in the certificate, the amount and the purpose thereof. Thereupon the county auditor shall issue his warrant on the treasurer for the amount so certified. This section shall not apply to children's homes in counties where such children attend the public schools. When in their judgment advisable, the trustees may employ a teacher to teach the school in any such home, as provided by law, *but such teacher must have a "Teacher's Elementary School Certificate" as provided for by Section seven thousand eight hundred and thirty of the General Code.* (R. S. Sec. 930b.)

What Children May be Admitted.

Section 3089. The home shall be an asylum for children under the age of *eighteen* years, of sound mind *and not morally vicious* and free from infectious or contagious diseases, who have resided in the county not less than one year, and for such other children under such age from other counties in the state where there is no home, as the trustees of such home and the persons or authority having the custody and control of such children, by contract agree upon, who are, in the opinion of the trustees, suitable children for admission by reason of orphanage, abandonment or neglect by parents, or inability of parents to provide for them. *In no event shall a delinquent or incorrigible child, be committed to or be accepted by such home. If an inmate of such home is found to be incorrigible, he or she shall be brought before the juvenile court for further disposition. Parents or guardians of such children shall in all cases where able to do so, pay reasonable board for their children received in such children's home.* (R. S. Sec. 931.)

How Children Shall be Admitted; Records.

Section 3090. They shall be admitted by the superintendent on the order of *the Juvenile Court or of* a majority of such trustees, accompanied by a statement of facts signed by *the court or trustees,* setting forth the name, age, birthplace, and present condition of the child named in such order, which statement of facts contained in the order, together with any additional facts connected with the history and condition of such children shall be, by the superintendent, recorded in a record provided for that purpose, which shall be confidential and only open for inspection at the discretion of the trustees. (R. S. Sec. 931.)

Certificates of Infirmary Directors. Township Trustees May File Complaints.

Section 3091. When a child maintained in the infirmary of any county becomes eligible to the children's home of such county or district, such fact shall be certified to the trustees thereof by the *superintendent of the infirmary.* * * * * * Except such as are imbecile, idiots or insane, no child or children entitled to admission into a children's home shall be kept or maintained in any county infirmary in this state. *When children are found by township trustees to be proper subjects for the care of the county, said trustees shall file their complaint with the Juvenile Court, and if said court orders such children to be committed to a children's home, they shall be conveyed to such home by the township trustees, and the expenses thereof paid from the township poor fund.* The superintendent of the home may provide and care for temporarily until the proper officers are notified, any child found abandoned and destitute, and which is eligible to the children's home. (R. S. Sec. 931.)

Commissioners May Care for Destitute Children.

Section 3092. * * * * * In any county where such home has not already been provided, the board of commissioners shall make temporary provisions for *destitute* children by transferring them to the nearest children's home where they can be received and kept at the expense of the county, or by leasing suitable premises for that purpose, which shall be furnished, provided and managed in all respects as provided by law for the support and management of children's homes, *but if such child be not abandoned or surrendered by its parents, a complaint must first be filed with the Juvenile Court setting forth the facts as to such children, and if such court commits such children to an institution or agency for the care of children, then the said commissioners may pay reasonable board for such child, whether placed in an institution or with a private family.* But the commissioners may provide for the care and support of such children within their respective counties, in the manner deemed best for the interest of such children, *which may include the payment of board for such children in a private home, when placed therein by an institution or society certified by the Board of State Charities as provided by Section* 1352-1 *of the General Code,* and they shall levy an additional tax, which shall be used for that purpose only. (R. S. Sec. 931c.)

Guardianship and Control of Inmates.

Section 3093. All inmates of such home who by reason of abandonment, neglect, or dependence have been admitted, or who have been by the parent or guardian voluntarily surrendered to the trustees, shall be under the sole and exclusive guardianship and control of the trustees during their stay in such home, until they are eighteen years of age, and if such child is placed out * * * * * such control shall continue until such child becomes of lawful age. *A child shall be deemed abandoned, if at any time the parents or persons having control thereof are in arrears for his or her board for a period of one year or more. Payment of such board thereafter shall not reinstate such parents or persons in the control or guardianship of such child.*

May Remove Child to County of its Residence.

Section 3094. The trustees may remove any child, who has become a charge upon the county and who has no legal settlement therein, to the county to which it belongs, and all charges and expenses so incurred shall be paid by the county to which it belongs. The trustees may discharge any inmates of such home and may return them to their parents or guardians when they believe them capable of providing for themselves or their parents or guardians for them. (R. S. Sec. 932.)

Foster Home to be Investigated.

Section 3095. The trustees shall seek homes in private families for all children eligible to be placed out, but before allowing a child to leave the home they shall cause the proposed foster home to be carefully investigated and satisfy themselves that such persons are suitable to have the care and bringing up of the child. The trustees shall have scrupulous regard to the religious and moral character of the persons with whom the child is placed in order to secure to it the benefit of good example and wholesome instruction and opportunity of becoming an intelligent and useful citizen. (R. S. Sec. 933.)

Written Agreement as to Child's Care.

Section 3096. The trustees shall require an agreement *in a form to be prescribed by the Board of State Charities,* in writing to be entered into, that such child so placed out shall be furnished with good and sufficient food, clothing and a public school education, and * * * * * *if deemed by the trustees to the interest of the child that such provisions be made, that there shall be* payment to it of a reasonable amount to be named in the agreement, *to be paid in such amounts and times as may be specified. Children may be placed in homes on trial without any written agreement.* For the purpose of securing the well-being and progress of such children, and the enforcement of the agreement, the trustees shall have the control and guardianship of such children until they become of age. (R. S. Sec. 933.)

Uniformity of Records. Agreement.

Section 3097. Full and complete records of the inmates shall be kept in the children's home and they shall be uniform throughout the state. It shall be the duty of the Board of State Charities to secure uniformity by providing a standard form of blanks and records for the guidance of such institutions, wherein shall be recorded the full name, age, place of residence, name of parent or other relatives, so far as obtainable, and other information as the Board of State Charities requires, which records shall not be open to inspection unless on special permission of the trustees. The name and place of residence of the person with whom a child is placed or by whom adopted shall be recorded together with the terms of the *agreement* in a separate record, which shall not be open to inspection except by special permission of the trustees, having regard at all times to the well-being of the child, *except that duly authorized representatives of the Board of State Charities may see such record at any time.* (R. S. Sec. 933.)

Visitation, Duty of Trustees.

Section 3098. The trustee shall visit, or cause to be visited, each child placed out by them, at least once in each year, and as much oftener as the welfare of the child requires. * * * * * The trustees may at any time vacate any agreement * * * * * when the welfare of the child may demand it, and replace it in another family home or return it to the institution. (R. S. Sec. 933.)

Trustees May Appoint Visiting Agent.

Section 3099. *Unless a children's home places its wards through the agency of the Board of State Charities, the trustees shall* appoint a competent person as visiting agent, who shall seek homes for the children in private families, where they will be properly cared for, trained and educated. When practicable, the agent shall visit each child so placed not *less* * * * * * than *once* in each year, and report from time to time to the trustees its condition, any brutal or ill treatment of it, or failure to provide suitable food, clothing or school facilities therefor in such family. The agent shall perform his *or her* duties under the direction of the trustees and superintendent of the children's home for which he *or she* is appointed, and may be assigned other duties not inconsistent with his *or her* regular employment as the trustees prescribe. His *or her* appointment shall be for one year, or until his *or her* successor is appointed, and he shall receive such reasonable compensation for his *or her* services as the trustees provide. (88 V. 505 No. 1.)

May Place Children in Private Families; Joint Visiting Agents.

Section 3100. The trustees of such children's home may also place children under their charge in suitable homes in private families, through well known and established private institutions duly incorporated under the laws of the state, *and approved by the Board of State Charities as provided by Section* 1352-1 *of the General Code,* which have as their object, the fitting for, and placing of children in families. Such trustees of two or more counties may unite in the employment of a visiting agent who shall serve them in such manner with such compensation as the trustees so uniting prescribe. (86 V. 340 No. 2; 88 V. 505 No. 1.)

Section 3101. Duties of Visiting Board. (Repealed by Commission.)

Section 3102. Child Not Properly Treated. (Repealed by Commission.)

Reservation in Contract.

Section 3103. In all contracts for placing out children from any state or county institution, the officers making them shall expressly reserve the right to cancel the contract whenever, in their judgment, the interests of the child are not properly cared for. But nothing herein shall apply to private charitable asylums for the care, protection and training of children that have their own methods for the visitation of such children. (R. S. Sec. 931d.)

Quarterly Report.

Section 3104. The board of trustees shall report quarterly to the commissioners of the county the condition of the home, and make out and deliver to the commissioners a carefully prepared estimate, in writing, of the wants of the home for the succeeding quarter. Such estimate shall specify separately the amounts required for each of the following purposes, to-wit: *First * * * * * maintenance. Second * * * * * repairs Third * * * * * special improvements.* (R. S. Sec. 934.)

Appropriation of Estimate.

Section 3105. At their regular quarterly meeting at which such estimate is presented to them, the commissioners shall carefully examine the estimate, and if, in their judgment, it is reasonable and ratably within the assessment for the support of the home for the current year, or so much thereof as they deem reasonable and within such assessment, the board of commissioners shall allow and approve, and shall appropriate and set apart such amount for the use of the home. Upon the order of the trustees of the home, the county auditor shall draw his warrant upon the county treasurer, who shall pay such warrant from the fund so appropriated and set apart. (R. S. Sec. 934.)

Trustees Shall Not Furnish Supplies to Board.

Section 3106. The trustees shall contract no debts and make no purchase in excess of the amount so appropriated. No member of the board of trustees of a children's home shall sell or supply any article for the maintenance of the home or be interested in any contract made by the board. (R. S. Sec. 934.)

Products May Be Sold.

Section 3107. Under the rules and regulations adopted by the trustees, the superintendent may sell products not needed to maintain the home, and all receipts from this and other sources shall on the last day of each month be paid into the county treasury, and be placed to the credit of the children's home fund, to be paid out by the trustees as exigency may require. (R. S. Sec. 934.)

Annual Report.

Section 3108. On the thirty-first day of August of each year, the board of trustees shall also make an annual report in writing to the commissioners, of the condition, wants and operation of the home, including a statement of the number of inmates, and if from other counties, the terms upon which they are admitted, and an accurate account of all receipts and expenditures. (R. S. Sec. 934.)

SEMI-PUBLIC HOMES.

Counties May Aid Incorporated Children's Homes.

Section 3108-1. *The county commissioners of any county which has no county children's home may aid an incorporated children's home or other incorporated society, whose object is the care, aid, and education of neglected or destitute children, by contributing toward the purchase of land for such home or society, or the erection of buildings by it, or of additions to existing buildings, or other improvements to an amount not to exceed twenty five hundred dollars in any one year; or they may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair,* provided that in case such children's home shall cease to exist so that such property so purchased shall cease to be used for the purpose of such children's home by such corporation such county shall have a lien upon such property so purchased for the amount of money contributed for its purchase and if such corporation shall fail or be unable from any cause to maintain, manage and control such home so as to subserve the purpose of a children's home for which the same was incorporated, then such commissioners may enforce such lien or, if they so prefer and desire, they are hereby authorized and empowered *upon approval of the Board of State Charities first obtained* to organize such home into a county children's home, under the general laws of the State of Ohio, and the title to such property, where the county has contributed the whole amount of the purchase money shall vest in and be the property of such county. (R. S. 929-2.)

Requirements For Semi-public Homes.

Section 3108-2. *Children's homes or societies so assisted by county commissioners, shall be known as semi-public homes. They shall have the same rights and duties as are prescribed in the case of county children's homes by Sections three thousand eighty-nine, three thousand ninety, three thousand ninety-one, three thousand ninety-three, three thousand ninety-five, three thousand ninety-six, three thousand ninety-seven, three thousand ninety-eight, three thousand ninety-nine, three thousand one hundred and three thousand one hundred and three of the General Code. They shall make to the county commissioners* a monthly report on the first Monday of each month of the condi-

tion of said institution, its receipts and expenditures during the preceding month, the number of children received and discharged and the general condition of the institution.

The superintendent of the infirmary of any county shall certify children to semi-public homes in the manner provided by Section two thousand five hundred and forty-seven and three thousand and ninety-one in the case of county children's homes. The county commissioners shall pay for the maintenance of such children a sum to be agreed upon by the commissioners and the board of such home. A home or society desiring to be classed as a semi-public home shall state the facts to the Board of State Charities, which, if satisfied that such home or society is a proper subject for county aid as provided herein, shall issue its certificate that such home or society shall be known as a semi-public home. No home or society not so certified shall be entitled to receive any funds from the county commissioners as provided herein. Said certificate shall be valid for one year from the time the same is issued. (R. S. 929-4.)

DISTRICT HOMES.

District Homes.

Section 3109. In accordance with the purposes, provisions, and regulations relating to county children's homes, when in their opinion the public good so demands, the commissioners of two or more adjoining counties, not to exceed four, may form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, and provide for the purchase of a site, and the erection of necessary buildings thereon, *provided the approval of the State Board of Charities has been first obtained.* (R. S. Sec. 936.)

Commissioners May Accept Private Donations.

Section 3110. Any grant or devise of land, donation or bequest of money or other personal property, made by private individuals or parties for the use and benefit of children's homes, and held in trust by special agents, executors of estates, or other persons, may be accepted and used by the commissioners of any county or district on such terms as are agreed upon by such board, and such persons, agents or executors. (R. S. Sec. 936.)

Trustees May Accept Bequest to District Children's Home.

Section 3111. When any person has bequeathed, or hereafter bequeaths his or her estate or any part thereof to the use and benefit of a district children's home, the trustees may accept and use such bequest as they deem for the best interests of the institution, and consistent with the provisions and conditions of such bequest. (R. S. Sec. 936a.)

Five Trustees Shall be Appointed.

Section 3112. Immediately upon the organization of the joint board, or as soon thereafter as practicable, *said joint board* shall appoint five trustees, who shall hold and perform the duties of their office, until the first annual meeting after the selection and purchase of a building site, when *said joint board* appoint a board of five trustees, who shall hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. Annually thereafter,

said joint board shall appoint one trustee, who shall hold his office for the term of five years, and until his successor is appointed and qualified. The annual meeting of the board shall be held on the first Tuesday of May in each year. (R. S. Sec. 937.)

Location of District Children's Home.

Section 3113. The trustees may select a suitable site for the location of such home, which must be of easy access, and when in the judgment of the trustees, equally conducive to health, economy in purchasing or in building, and to the general interest of the home and inmates, as near as practicable to the geographical center of the district and where but two counties form a district as near as may be to the dividing line. (R. S. Sec. 938.)

How Trustees Apportioned.

Section 3114. Each county in the district shall be entitled to one trustee, and in districts composed of but two counties, each county shall be entitled to not less than two trustees. The county wherein such children's home is located, shall have not less than two trustees, who, in the interim of the regular meetings of the board, shall act as an executive committee in the discharge of all business pertaining to the home. * * * * * (R. S. Sec. 938.)

Quorum; Compensation.

Section 3115. A majority of the trustees shall constitute a quorum, and their meetings shall be held quarterly. They shall receive no compensation for their services, except their actual traveling expenses, which, when properly certified, shall be allowed and paid. (R. S. Sec. 938.)

Trustees May be Removed for Cause.

Section 3116. The joint board of Commissioners shall have power to remove any trustee, but no removal shall be made on account of religious or political opinion. The trustee appointed to fill any vacancy shall hold his office for the unexpired term of his predecessor, and until his successor is appointed and qualified. (R. S. Sec. 939.)

Commissioners May Delegate Powers to Trustees Until Building is Erected.

Section 3117. In the interim, between the selection and purchase of a site, and the erection and occupancy of the home, the commissioners may delegate to the trustees such powers and duties as, in their judgment, will be of general interest or aid to the institution. They may appropriate, from time to time, a trustees' fund, to be expended by the board of trustees in payment of such contracts, purchases, or other expenses necessary to the wants or requirements of the home, not otherwise provided for. The trustees shall make a complete settlement with the board of commissioners once in six months, or quarterly, if required, and also make a full report of the condition of the home and inmates, as provided for trustees of a county home. (R. S. Sec. 940.)

Power to Purchase Site, Stock, Etc., Vested in Joint Board.

Section 3118. The purchase of site, stock, implements, and general equipments of farm, should there be a farm, the erection of buildings, and completion and furnishing of the home ready for occupancy, shall be in the hands of the joint board of commissioners, but they may delegate all or a portion of these duties to the board of trustees, under such restrictions and regulations as they impose and provide.

Cost of Home Paid by Counties According to Taxable Property.

Section 3119. The first cost of the home, and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county, as shown by their respective duplicates. The current expense of maintaining the home and the cost of ordinary repairs thereto, shall be paid by each such county in proportion to the number of children therefrom maintained in the home during the year. (R. S. Sec. 942.)

Industrial Pursuits May be Established; Taxation.

Section 3120. The trustees of county or district children's homes may establish, in connection therewith, such industrial pursuits as they deem expedient. The commissioners of all counties wherein such homes are or may hereafter be established, and the commissioners of all counties forming parts of districts wherein such homes are or may hereafter be established, are authorized to furnish, by taxation, the means necessary to put into operation the object of this section. (R. S. Sec. 943.)

Commissioners and Trustees of Townships of Adjoining County.

Section 3121. The commissioners and trustees of townships in counties in which no children's home or other similar institution is located, and adjoining a county or district in which there is such a home, may send to it children for whom they have to provide, if the trustees of the home can receive them without detriment to children of their own county or district. The cost of maintaining these children in the home shall be no greater than the per capita cost of suitably providing for and educating the children of the county or district in the home to which they are so sent. (R. S. Sec. 944.)

Section 3122. Children neglected or abused by parents may be sent to home. (Repealed by Commission.)

How Such Homes Supported.

Section 3123. The board of commissioners of any county having such home, and the joint board of commissioners of district homes shall make annual assessments of taxes sufficient to support and defray all necessary expenses of the home. (R. S. Sec. 946.)

Auditor to Adjust Accounts Every Six Months.

Section 3124. The auditors of the several counties composing a children's home district, shall meet at the home, not less than once in six months, to adjust accounts, and to transact such other duties in connection with the institution as pertain to the business of their office. (R. S. Sec. 947.)

Commissioners Paid Actual Expenses.

Section 3125. Commissioners who meet by appointment to consider the organization of such district home shall, upon presentation of accounts properly certified, be paid their necessary expenses upon a warrant drawn therefor by the auditor of their county. (R. S. Sec. 948.)

Same Laws Apply to County and District Homes.

Section 3126. All provisions of this chapter relating to county children's homes so far as applicable, *including the provisions for the placement of children in private homes,* shall be in full force and effect in the organization, support, and management of district children's homes. (R. S. Sec. 949.)

Powers of Trustees and Managers.

Section 4083. In cities where children's homes or industrial schools are established under the incorporation law of the state, the trustees and managers of such institutions may take under their guardianship all children placed under their care and management in either of the following modes:

First. ———— Children under sixteen years of age, who are voluntarily surrendered by the father and mother or in case of the death, or long continued or wilful absence of the father, by the mother, or by their guardians, to the care of such trustees and managers, they being by virtue of such surrender invested with the same power over the persons of the children as the parents or guardians.

Second. ———— Children under sixteen years of age who are committed to their care by * * * * * the Juvenile Court. * * * * * * (R. S. Sec. 2181.)

May Act as Guardian of Children, and Procure Them Homes.

Section 4084. The trustees and managers shall have the guardianship of such children during their minority, and, when it seems proper, may place them in suitable homes, having scrupulous regard to the religious and moral character of the persons with whom such children are placed, in order to secure to them the benefits of good example and wholesale instruction, and the opportunity of becoming intelligent and useful men and women. (R. S. Sec. 2182.)

Agreement as to Child's Care.

Section 4085. The trustees and managers shall require an agreement to be entered into, that each and every child so placed shall be furnished with good and sufficient food and clothing and a suitable common school education. *Such agreement shall be in a form to be prescribed by the Board of State Charities.* * * * * * (R. S. Sec. 2183.)

What Records Shall Be Kept.

Section 4086. Such trustees and managers shall provide themselves with records, in which shall be entered the age, parentage, place of residence, and present condition of every child received in any such children's home or industrial school. They shall also cause to be entered in such records the time when, the place where, and the person to whom any of the inmates of such children's home or industrial school have been placed for suitable homes, * * * * * , together with a substantial statement of any contract made between such trustees and managers, and the persons receiving such child. (R. S. Sec. 2183.)

Cancellation of Contract.

Section 4087. * * * * * If a person so taking charge of a child, desires to be released from the contract, the trustees and managers, upon application, may cancel it, and resume the charge and management of the child, and shall have the same power and authority over him as before the agreement was made. (R. S. Sec. 2184.)

Trustees May Remove Children From Unsuitable Homes.

Section 4088. The trustees and managers may remove a child from a home when, in their judgment, it has become an unsuitable one. In such cases, they shall resume the same power and authority as they originally possessed, but they may return a child to parents or a surviving parent or guardian, or when they believe the child to be capable of caring and providing for himself, may discharge him to his own care. *They shall have the same powers respecting such children and be subject to the same obligations as provided in the case of county children's homes by Sections* 3098, 3099, 3100, 3101, 3102, *and* 3103 *of the General Code.*

HOUSES OF REFUGE.

Placing Children.

Section 4108. *The Director of Public Safety may, at his discretion, place children committed to his care in private homes which have been previously investigated to ascertain their fitness for the purpose. He may at his discretion pay board for children so placed. He shall employ a competent person to visit children so placed in such homes at least twice a year, and may at any time, at his discretion, remove children so placed from such homes, and return them to such house of refuge or place them in another home at his discretion.* (R. S. Sec. 2063).

Indentures.

Section 4109. Recommended repealed.

When Indentures to be Cancelled.

Section 4110. Recommended repealed.

When Indentured Infant Returned to Institution.

Section 4111. Recommended repealed.

Arrest of Fugitives From Refuge.

Section 4112. A fugitive from a house of refuge and correction, ... may be arrested and returned to the institution by a sheriff or constable of any county in this state, or public officer of the corporation, or officer of such institution, on the written order of the Director of Public Safety, directed to the officer, and may be delivered to the custody of such officer of the house of refuge and correction as the Director may name. (R. S. Sec. 2067).

SCHOOLS AND ATTENDANCE.

Section.

7676 Schools at Children's Homes, Orphan Asylums and Infirmaries.
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Schools at Children's Homes, Orphans' Asylums and Infirmaries.

Section 7676. The board of education in any district in which a children's home or orphans' asylum is established by law, * * * * * * when requested by the board of trustees of such children's home *or* orphans' asylum * * * * * * *when no public school is situated reasonably near such home or asylum,* shall establish a separate school in such home *or* asylum, * * * * * * so as to afford to the children therein, as far as practicable, the advantages and privileges of a common school education, *for such period as is provided by law for public schools.* * * * * * If the distributive share of school funds to which the school at such a home or asylum is entitled by the enumeration of children in the institution is not sufficient to continue the schools for that length of time, the deficiency shall be paid out of the funds of the institution *or by the county commissioners.* (R. S. Sec. 4010.)

Management of Such Schools.

Section 7677. All schools so established in any such home, asylum or infirmary, shall be under the control and management of the respective boards of trustees or directors of such institution, which boards in such control and management so far as practicable, shall be subject to the same laws that boards of education and other school officers are who have charge of the common schools of such district. *But such teacher must have a teacher's elementary school certificate as provided by Section Seven Thousand Eight Hundred and Twenty Eight of the General Code.* (R. R. Sec. 4010.)

Costs.

Section 7678. In the establishment of such schools the commissioners of the county in which such children's home, orphans' asylum or county infirmary is established, shall provide the necessary school room or rooms, furniture, fuel, apparatus and books, the cost of which for such schools must be paid out of the funds provided for such institution. The board of education shall incur no expense in supporting such schools. (R. S. Sec. 4010.)

Free Schools.

Section 7681. *The schools of each district shall be free to all youth between six and twenty-one years of age, who are children or wards of actual residents of such district, including children of proper age who are inmates of a city, county, or district children's or orphans' home, and all youth of school age living apart from their parents or guardians and who work to support themselves, but the time in the school year at which beginners may enter upon the first year's work of the elementary schools shall be subject to the rules and regulations of the local boards of education.* (Commission.)

Health Inspection.

Section 7692. *All children attending any of the public schools of this state of whatever grade shall be inspected as to their physical condition, including that of their lungs, with a view to a discovery of any disability tending to impede them in their school work, at least once during each school year, which inspection may be made in the presence of the parent or guardian if so requested by such parent or guardian.* (Commission.)

Appointment of School Physician.

Section 7692-1. *Each and every board of educaion in this state shall appoint at least one school physician; provided two or more school districts may unite and employ one such physician, whose duties shall be such as are prescribed in this act. Said school physician shall hold a license to practice medicine in Ohio. School physicians may be discharged at any time by the appointing power whether the same be a board of education or of health or health officer, as herein provided. School physicians shall serve one year and until their successors are appointed, and shall receive such compensation as the appointing board may determine. Such boards may also employ trained nurses to aid in such inspection in such ways as may be prescribed by the board. Such board may delegate the duties and powers herein provided for to the board of health or officer performing the functions of a board of health within the school district if such board or officer is willing to assume the same. Boards of education shall co-operate with boards of health in the preventing of epidemics.* (Commission.)

Examinations.

Section 7692-2. *School physicians shall make prompt examinations and diagnosis of all children referred to them at the beginning of every school year and at other times if deemed desirable. They shall make such further examination of teachers, janitors and school buildings as in their opinion the protection of health of the pupils and teachers may require. Whenever a school child, teacher or janitor is found to be ill or suffering from positive open pulmonary tuberculosis or other contagious disease, the school physician shall promptly send such child, teacher, or janitor home, with a note, in the case of the child, to its parent or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card-index records of all examinations, and said records, that they may be uniform through the state shall be according to the form prescribed by the state school commissioner, and the reports shall be made according to the method of said form; provided, however, that if the parent or guardian of any school child or any teacher of janitor shall at the beginning of the school year furnish the written certificate of any reputable physician that the child, or teacher or janitor has been examined, in such cases the services of the medical inspector herein provided for shall be dispensed with, and such certificate shall be furnished by such parent or guardian from time to time, as required by the board of education. Such individual records shall not be open to the public and shall be solely for the use of the boards of education and health or other health officer. If any teacher or janitor is found to have positive open pulmonary tuberculosis or other communicable disease, his or her employment shall be discontinued upon expiration of the contract therefor, or, at the option of the board, suspended upon such terms as to salary as the board may deem just until the school physician shall have certified to a recovery from such disease.* (Commission.)

Rules: Who Makes.

Section 7692-3. *The State School Commissioner and the State Board of Health, shall jointly pass rules for the detailed enforcement of the purposes of this act, which rules shall bear the seals of said board and commissioner, the said rules to be printed and promulgated by the state printer; promulgation to consist in supplying a reasonable number of copies to each school superintendent, from whom all that are interested may receive copies.*

Any person violating any of said rules shall be fined not less than ten nor more than fifty dollars. (Commission.)

Member of School Board Not Eligible.

Section 7692-4. *No member of a Board of Education in any district in this state shall be eligible to the appointment of school physician during the period for which he or she is elected.* (Commission.)

Penalty.

Section 7692-5. *Before receiving any part of the state school fund, each Board of Education by the affidavit of an officer thereof or otherwise shall prove to the satisfaction of the state school commissioner that it has complied with the requirements of Sections Seven Thousand Six Hundred and Ninety Two, Seven Thousand Six Hundred and Ninety Two-One, and Seven Thousand Six Hundred and Ninety Two-Two, of the general code. When any such board fails so to establish compliance with this act, said commissioner shall notify the auditors of state, and of the proper county, who shall thereupon withhold such funds, until such board shall have complied with the said provisions.* (Commission.)

Compensation of Employes.

Section 7693. *The Board of Education of any school district,* may provide and pay compensation to the employes of the board of health in addition to that provided by the city, *township or other municipality.* (Sec. 4018a R. S.)

COMPULSORY EDUCATION.

Section 7765 Employment Restrictions.

Section 7766 Approval of Certificate.

Employment Restrictions.

Section 7765. No child under sixteen years of age shall be employed or be in the employment of any person, company or corporation * * * * * * unless such child presents to such person, company or corporation an age and schooling certificate herein provided for, as a condition of employment. *Such employer* shall keep the same on file for inspection by the truant officer or officers of the department of workshops and factories.

Approval of Certificate.

Section 7766. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon satisfactory proof that such child is over fourteen years of age, and that such child has been examined and passed a satisfactory fifth grade test in the studies enumerated in section seventy-seven hundred and sixty-two, provided, that residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any

law regulating the employment of children under sixteen years of age. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

In order to ascertain whether applicants for such certificates have satisfactorily completed the studies herein prescribed as a condition for the issuance of said certificate the Board of Education of each city school district shall appoint a juvenile examiner who shall receive such compensation as may be fixed by the Board of Education. No such child residing in a city shall be granted such certificate unless such juvenile examiner shall have previously certified that he has examined such child and that he has passed to his satisfaction the fifth grade test as provided by this section or that the public school records show he has passed such test; provided further that if a child who in the opinion of said juvenile examiner is below the normal in mental development so that he cannot with due industry pass such test, such fact may be certified to by said examiner, and the superintendent or person authorized by him may at his discretion grant such child such age and schooling certificate.

The age and schooling certificate must be formulated by the state commissioner of common schools, and furnished in blank by the clerk of the board of education. *It shall show the date of its issue. A record giving all the facts contained on every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal.*

The superintendent of schools or other person authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the chief inspector of workshops and factories, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in.

Any child between fourteen and sixteen years of age, who shall cease to work for any cause whatever, shall report the fact and cause at once to the superintendent of schools, or to a person authorized by him in city or other districts having such superintendent, or to the clerk of the board of education in village, township or special districts not having such superintendent; said child shall be required to return to school within two weeks, provided other employment is not secured within such time; provided that, should a child in the opinion of the superintendent or person authorized by him in cities and districts having such superintendent, or the clerk of the board of education in village, township or special districts, lose his employment by reason of persistent, willful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year.

The superintendent of schools or the person authorized by him to issue age and schooling certificates, shall not issue such certificates until he has received, examined, approved and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized *by him* to issue such certificates, the age and schooling certificate of the child within two days from the date of the child's withdrawal or dismissal from the service of the person, partnership or corporation, giving the reason for such withdrawal or dismissal.

(2) The school record of such child, properly filled out and signed by the secretary of the board of juvenile examiners, in cities or by the principal or other person in charge of the school which such child last attended, in other school districts, giving the name, age, address, standing in studies enumerated in Section seventy-seven hundred and sixty-two, and the number of weeks attendance in school during the *school year,* previously to applying for such school record, and general conduct.

(3) *As evidence of age* (*a*) a passport or *duly attested transcript of a passport, filed with a registrar of passport or other officer charged with the duty of registering passports at the several ports of entry to the United States;* or a duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child; *or* (*b*) a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of the child.....

.....

(c) in case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate, (aside from the school record of such child or the affidavit of parent, guardian or custodian), may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate. (d) In case no documentary proof of age of any kind can be produced, the officer issuing the certificate may receive and file an application signed by the parent, guardian or custodian of the child for a physician's certificate. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall contain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. If the superintendent or officer authorized by him to issue such certificate, is satisfied that a reasonable effort to procure such documentary proof has been made, the certificate of the school physician, or, if there be none, of a physician employed for the purpose by the Board of Education that such physician has made a physical examination of such child and is satisfied that he is more than fourteen years of age, shall be accepted as sufficient proof of the age of such child for the purpose of this act:

(4) A certificate from the.....*school physician or if there should be none, of the Board of Health, and if there be no Board of Health within the school district in question, from a licensed physician appointed by the Board of Education* showing that the child is *physically fit to be employed in any of the occupations permitted by law for a child between* 14 *and* 16 *years of age. Provided that if the records of the school physician show such child to have been previously sound in health, no further physician's certificate need be required, but the officer authorized to issue such certificate may at his discretion require such physician's certificate in any case, as a condition to the issuing of an age and schooling certificate.*

The superintendent or person authorized by him may issue special vacation certificates to children between 14 *and* 16 *years of age, which shall entitle the holders thereof to be employed during vacations in occupations not forbidden by law to children under sixteen even though such child may not have completed the fifth grade, but provided he has complied with all the other requirements for obtaining the certificate hereinbefore described.* (R. S. Sec. 4022-2.)

CHAPTER 2.

APPRENTICES.

The Commission recommends the repeal of this entire chapter, including Sections 8005 to 8022 inclusive of the General Code.

HUMANE SOCIETY

Notice and Publication.

Section 10082. Such officer or agent shall cause a notice to be personally served upon the person having control or possession of such child, and upon its parent or parents, if within the state, that the society will apply to the probate court of the county in which it is situated, at a time and place named in the notice, for an order as hereinafter set forth. *If such person or parents reside or have gone out of the state or if his or her place of residence is unknown so that such notice cannot be served, such officer or agent shall file with the probate court an affidavit stating such fact. Thereupon the clerk of said court shall cause such notice to be published once in a newspaper of general circulation throughout the county, and published in the county, if there be one so published. The notice shall state the nature of the complaint, and the time and place of the hearing, which shall be held at least two weeks later than the date of the publication; and a copy of such notice shall be sent by mail to the last known address of such parent, guardian or other person having custody of such child, unless said affidavit shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such notice mailed shall be sufficient evidence thereof. Until the time for the hearing arrives, the court shall make such temporary disposition of such child as it may deem best. When said period of two weeks from the time of publication shall have elapsed, said court shall have full jurisdiction to deal with such child as provided by this chapter.* (93 v. 296-1.)

CHAPTER 11.

OFFENSES AGAINST MINORS.

Section
12964 Inducing minor to play for money, etc.
12966 Unlawful to sell toy pistols to minors under *sixteen* years.
12967 Selling fire-arms or air-guns to minors.
12968 Employing children under fourteen years in shows, etc.

Inducing Minor to Play for Money, etc.

Section 12964. Whoever entices a minor to engage in a game for money or other valuable thing, or makes a wager with a minor upon the result of a game, *or permits a minor to play a slot machine or other gambling device for wares or merchandise or any other thing of value,* shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not less than three months nor more than one year. (R. S. Sec. 6937).

Unlawful to Sell Toy Pistols to Minors Under Sixteen Years.

Section 12966. Whoever sells or exhibits for sale, to a minor under *sixteen* years of age, a pistol manufactured of a metallic or hard substance, commonly known as a "toy pistol" *or air gun, or any form of explosive gun,* shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten days nor more than twenty days, or both, and be liable in damages to any person injured by such sale. (R. S. Sec. 6986b).

Selling Fire-arms or Air-guns to Minors.

Section 12967. Whoever sells, barters, *furnishes* or gives to a minor under the age of *seventeen* years, an air-gun, musket, rifle, shotgun, revolver, pistol or other fire-arm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permits it to be used by a minor under such age, shall be fined not more than one hundred dollars or imprisoned in jail not more than thirty days, or both. (R. S. Sec. 6986a).

Employing Children Under Fourteen Years in Shows, etc.

Section 12968. Whoever takes, receives, hires, employs, uses, exhibits, sells, apprentices, gives away, lets out or otherwise disposes of a child, under the age of fourteen years for or in the vocation, occupation or purpose of singing, playing on musical instruments, rope or wire walking, dancing, *taking any part in, or appearing in connection with a moving picture exhibition or performance given in a theatre or place of public amusement,* begging or peddling or as a gymnast, contortionist, rider or acrobat, or for an obscene, indecent or immoral purpose, exhibition or practice, or for or in a business exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or causes, procures or encourages such child to engage therein, or causes or permits such child to suffer or inflicts upon it unjustifiable physical pain or mental suffering, or has such child in custody for any of such purposes, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both. (R. S. Sec. 6984.)

EMPLOYING MINOR IN FACTORY, ETC.

Section.

12993 Minor under fourteen years not to be employed.
12994 Employing minor without schooling certificate.
12995 Filing certificate.
12996 Minor working more than eight hours a day, etc.
12996–1 Age of night messengers.
12997 Time for meals.
12998 Record to be kept of minors employed; *notice of hours.*
12999 Chief inspector shall enforce.
13000 Certificate as prima facie evidence.
13001 Minor under sixteen years not to be employed, when.
13002 Same.
13003 Same.
13004 Same.
13005 Girls not compelled to remain standing.
13006 Permitting female visitor to enter premises.
13007 Fines paid into school funds.

13007–1 Children apparently under sixteen.
13007–2 Same.
13007–3 Children under eighteen.
13007–4 Same.
13007–5 Persons under twenty-one.
13007–6 Females under twenty-one.
13007-7 Street Trades. Boys under 12, girls under 16.
13007-8 Boys under 14, girls under 16.
13007–9 Boys under 16.
13007–10 Permit.
13007–11 Same.
13007-12 Badge.
13007–13 Hours for Street Trades.
13007–14 Child deemed Delinquent.
13007–15 Enforcement.
13007–16 Visits by Inspectors.
13007–17 False Statements.
13007–18 Penalties.
13007–19 Same.
13007–20 Failure to keep Certificate on File.
13007–21 Hindering Factory Inspector.
13007–22 Violation of act by Officer.
13007–23 False Statements in Certificate.
13007–24 Child to give name, etc.
13007–25 Aiding minor to sell goods.

Minor under Fourteen Years Not to be Employed.

Section 12993. *No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any* (1) *Mill,* (2) *Factory,* (3) *Workshop,* (4) *Mercantile or Mechanical Establishment,* (5) *Tenement-house, Manufactory or Workshop,* (6) *Store,* (7) *Office,* (8) *Office Building,* (9) *Restaurant,* (10) *Boarding-house,* (11) *Bakery,* (12) *Barber Shop,* (13) *Hotel,* (14) *Apartment House,* (15) *Bootblack Stand or establishment,* (16) *Public Stable,* (17) *Garage,* (18) *Laundry,* (19) *Place of Amusement,* (20) *Club,* (21) *or as a driver,* (22) *or in any brick or lumber yard,* (23) *or in the construction or repair of buildings,* (24) *or in the distribution, transmission or sale of merchandise,* (25) *or in the transmission of messages.*

It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work any child under fourteen years of age in any business or service whatever during any of the hours when the public schools of the district in which the child resides are in session. (99 V. 30, 32, Secs. 1, 3).

Employing Minor Without Schooling Certificate.

Section 12994. ..... *No* child between fourteen and sixteen years of age *shall be employed or permitted* to work in or in connection with such establishment, or in the distribution or transmission of merchandise or messages, without first procuring from the proper authority the age and schooling certificate provided by law. (99 V. 30 Sec. 1).

Filing Certificate

Section 12995. The certificate mentioned in the *Section* 12994 shall be filed in the office of such establishment and shall be produced for inspection upon request therefor by the chief or district inspector of workshops and factories or

a truant officer and shall be returned forthwith to the superintendent of schools or other person legally issuing it, by the person in charge or manager of such establishment upon the termination of the employment of such minor. (99 V. 30 Sec. 1).

Minor Working More Than Eight Hours a Day, etc.

Section 12996. *No boy under the age of sixteen and no girl under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in Section* 12993 (1) *for more than six days in any one week,* (2) *nor more than forty-eight hours in any week,* (3) *nor more than eight hours in any one day,* (4) *or before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening. The presence of such child in any establishment during working hours shall be prima facie evidence of its employment therein. No boy or girl under the age of eighteen years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in Section* 12993 (1) *for more than six days in any one week,* (2) *nor more than fifty-four hours in any week,* (3) *nor more than ten hours in any one day,* (4) *or before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening.*

Age of Night Messengers.

Section 12996-1. *No person* having charge or management of a telephone, telegraph or messenger office or company *shall employ* a boy under the age of eighteen years to work as a messenger in connection with such office or company before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day.....

Time for Meals.

Section 12997. A boy or girl employed as provided in ..... Section 12996-1, shall be entitled to not less than thirty minutes for meal time which shall not be included as a part of the work hours of the day or week. (99 V. 30 Sec 1).

Record to be Kept of Minors Employed; Notice of Hours.

Section 12998. *No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in Section* 12993 *unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any truant officer, inspector of workshops and factories, or other authorized inspector or officer charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to said child; and keeps two complete lists of the names together with the ages of all boys under sixteen years of age and all girls under eighteen years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.*

Every employer shall post and keep posted in a conspicuous place in every room where any boy under the age of eighteen, or any girl under the age of (eighteen) years is employed, permitted or suffered to work a printed notice stating the maximum number of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notices shall be furnished by the chief inspector of workshops and factories and the employment of any

minor for a longer time in any day than so stated, or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act. (99 V. 30, 32 Secs. 1, 3).

Chief Inspector Shall Enforce.

Section 12999. The notice provided in..... Section 12998 shall be formulated by the chief inspector of workshops and factories, approved by the attorney-general and furnished by such inspector upon application therefor. (99 V. 30 Sec 1).

Certificate as Prima Facie Evidence.

Section 13000. Failure to produce for lawful inspection the age and schooling certificates as provided by law, or the record as provided in Section twelve thousand, nine hundred and ninety-eight, shall be prima facie evidence of the illegal employment or service of the child whose certificate is not so produced or whose record is not so correctly kept. (99 V. 30 Sec. 1).

Minor Under Sixteen Years not to be Employed, When.

Section 13001. *No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions:* (1) *adjusting any belt to any machinery;* (2) *sewing or lacing machine belts in any workshop or factory;* (3) *oiling, wiping or cleaning machinery or assisting therein;* (4) *operating or assisting in operating any of the following machines:* (*a*) *circular or band saws;* (*b*) *wood shapers;* (*c*) *wood jointers;* (*d*) *planers;* (*e*) *sandpaper or wood-polishing machinery;* (*f*) *woodturning or boring machinery;* (*g*) *picker machines or machines used in picking wool, cotton, hair or any other material;* (*h*) *carding machines;* (*i*) *paper-lace machines;* (*j*) *leather-burnishing machines;* (*k*) *job or cylinder printing presses operated by power other than foot power;* (*l*) *boring or drill presses;* (*m*) *stamping machines used in sheet-metal and tin-ware, or in paper and leather manufacturing, or in washer and nut factories;* (*n*) *metal or paper cutting machines;* (*o*) *corner staying machines in paper box factories;* (*p*) *corrugating rolls, such as are used in corrugated paper, roofing or washboard factories;* (*q*) *steam boilers;* (*r*) *dough brakes or cracker machinery of any description;* (*s*) *wire or iron straightening or drawing machinery;* (*t*) *rolling mill machinery;* (*u*) *power punches or shears;* (*v*) *washing, grinding or mixing machinery;* (*w*) *calendar rolls in paper and rubber manufacturing;* (*x*) *laundering machinery;* (5) *or in proximity to any hazardous or unguarded belts, machinery or gearing;* (6) *or upon any railroad, whether steam, electric or hydraulic;* (7) *or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State.*

Same.

Section 13002. *No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity* (1) *in, about or in connection with any processes in which dangerous or poisonous acids are used;* (2) *nor in the manufacture or packing of paints, colors, white or red lead;* (3) *nor in soldering;* (4) *nor in occupations causing dust in injurious quantities;* (5) *nor in the manufacture or use of dangerous or poisonous dyes;* (6) *nor in the manufacture or preparation of compositions with dangerous or poisonous gases;* (7) *nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health;* (8) *nor on scaffolding;* (9) *nor in heavy work in the building trades;* (10) *nor in any tunnel or excavation;* (11) *nor in, about or in connection with any mine, coal breaker, coke oven, or*

quarry; (12) *nor in assorting, manufacturing or packing tobacco;* (13) *nor in operating any automobile, motorcar or truck;* (14) *nor in a bowling alley;* (15) *nor in a pool or billiard room;* (16) *nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child.* (99 V. 31, 32 Secs. 2, 3).

Same.

Section 13003. *The State Board of Health may, from time to time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the Common Pleas Court from any such determination.* (Commission).

Same.

Section 13004. Repealed by Commission

Girls not Compelled to Remain Standing.

Section 13005. ..... *No* girl under the age of *twenty-one* years *shall be engaged or permitted* to work at employment which compels her to remain standing constantly..... (90 V. 31, 32 Secs. 2, 3).

Permitting Female Visitor to Enter Premises.

Section 13006. *No* female visitor *shall be prevented,* as provided by law, from entering, at reasonable hours, a shop, factory or mercantile establishment for the purpose of making a lawful inspection thereof..... (99 V. 32 Secs. 3, 4).

Fines Paid into School Funds.

Section 13007. The fines collected under this subdivision of this chapter shall inure to the benefit of the school fund of the district where the offense was committed. (99 V. 32 Sec. 3).

Children Apparently Under Sixteen.

Section 13007-1. *An inspector of factories, truant officer, or other officer charged with the enforcement of this act may make demand on any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not filled as required by this act, that such employer shall either furnish him, within ten days, satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such place or establishment. The inspector of factories, truant officer or other officer charged with the enforcement of this act, shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.* (Commission).

Same.

Section 13007-2. *In case any employer shall fail to produce and deliver to a factory inspector, truant officer, or other officer charged with the enforcement of this act, within ten days after demand made pursuant to Section* 13007-1 *of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the making of such demand and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.* (Commission).

Children Under Eighteen.

Section 13007-3. *No child under the age of eighteen years shall be employed, permitted or suffered to work* (1) *in, about or in connection with blast furnaces, docks, or wharves;* (2) *in the outside erection and repair of electric wires;* (3) *in the running or management of elevators, lifts or hoisting machines, or dynamos;* (4) *in oiling or cleaning machinery in motion;* (5) *in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured;* (6) *at switch tending;* (7) *gate tending;* (8) *track repairing;* (9) *or as brakemen, firemen, engineers, motormen or conductors upon railroads;* (10) *or as railroad telegraph operators;* (11) *as pilots, firemen or engineers upon boats and vessels;* (12) *or in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored;* (13) *or in the manufacture of white or yellow phosphorus or phosphorus matches;* (14) *or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled;* (15) *or in any hotel, theatre, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold;* (16) *nor any boy under* 16 *or girl under* 18 *in any theatre or other place of amusement, except on the stage thereof when not otherwise prohibited by law.* (Commission.)

Same.

Section 13007-4. *The State Board of Health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom.*

No child under eighteen years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the Common Pleas Court from any such determination. (Commission.)

Persons Under Twenty-one.

Section 13007-5. *No person under twenty-one years of age shall be employed, permitted or suffered to work in, about or in connection with any saloon or bar-room where intoxicating liquors are sold.* (Commission).

Section 13007-6. *No female under* (*twenty-one*) *years of age shall been employed, permitted or suffered to work in or about any* (1) *mine,* (2) *quarry,* (3) *or coal breaker, except in the office thereof,* (4) *or in oiling or cleaning machinery while in motion.* (Commission).

Boys Under 12. Girls Under 16.

Section 13007-7. *No boy under twelve years of age, and no girl under sixteen years of age shall, in any city, distribute, sell, expose, or offer for sale* (1) *newspapers,* (2) *magazines or* (3) *periodicals in any street or public place.*

Boys Under 14. Girls Under 16.

Section 13007-8. *No boy under fourteen years of age and no girl under sixteen years of age shall, in any city be employed or permitted or suffered to work at any time as* (1) *a bootblack, or* (2) *in any other trade or occupation performed in any street or public place, or* (3) *in the distribution of hand bills or circulars, or* (4) *any other articles except newspapers, magazines and periodicals as hereinafter provided.*

Boys Under 16.

Section 13007-9. *No boy under sixteen years of age shall, in any city, distribute, sell, expose or offer for sale in any street or public place any* (1) *newspapers,* (2) *magazines,* (3) *or periodicals,* (4) *or work in any of the trades or occupations mentioned in Section* 13007-8 *unless he complies with all the legal requirements concerning school attendance, and unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board or committee of the city or school district where such boy resides, upon the application in person of the parent, guardian or custodian of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian, then upon the application of his next friend, being an adult.* (Commission).

Permit.

Section 13007-10. *Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed the following papers, duly executed, viz:—*

(1) *Evidence that such boy is of the age required by Section* 13007-7 *or* 13007-8, *as the case may be. Such evidence of age shall consist of the proof of age required for the issuing of an age and schooling certificate as specified in Section* 7766 *of the General Code.*

(2) *The written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school with the grade such child shall have attained, and that he has reached the normal development of a child of his age and is physically and mentally fit for such employment and that he is able to do such work beside the regular school work required by law.*

After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge, provided, that in the case of a boy between the ages of fourteen and sixteen having an employment certificate, such certificate shall be accepted by the officer issuing such permit and badge in lieu of any other requirements.

Principals or chief executive officers of schools shall keep complete lists of all children in their schools to whom permits and badges, as herein provided, have been granted. (Commission).

Same.

Section 13007-11. *Such permit shall state the name and the date and place of birth of the child, the name and address of the parent or guardian or custodian or next friend making application for such permit, and shall describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child and shall further state that the papers required by the preceding sections have been duly examined and signed, and that the child named in such permit has personally appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name of the child. Every such permit and every such badge on its reverse side shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.* (Commission).

Badge.

Section 13007-12. *The badge provided for herein shall be worn conspicuously at all times by such child while so working. All such permits and badges shall expire annually on the first day of January, and no such permit or badge shall be authority beyond the period fixed therein for its duration. The color of the badge shall be changed each year, and shall at all times be varied according to the occupation which such child is entitled hereunder to engage in.*

No child to whom such permit and badge are issued shall transfer the same to any other person. He shall exhibit the same upon demand at any time to any officer charged with the duty of enforcing the provisions of this act relating to street trades. (Commission).

Hours for Street Trades.

Section 13007-13. *No child under sixteen to whom a permit and badge are issued as provided for in the preceding sections of this act shall distribute, sell, expose, or offer for sale, any newspapers, magazines or periodicals, or work at any of the trades or occupations mentioned in Section* 28 *in any street or public place* (1) *after eight o'clock in the evening,* (2) *or before six o'clock in the morning,* (3) *nor during the hours when the public schools in the city in which such child resides are in session, unless provided with an employment certificate.*

Child Deemed Delinquent.

Section 13007-14. *Any child in any city who shall distribute, sell, expose or offer for sale newspapers, magazines or periodicals, or shall work at any of the trades or occupations mentioned in Section* 13007-8, *in violation of any of the provisions of this act shall be deemed delinquent and may be arrested and brought before the juvenile court, if there be any juvenile court in the city where such child resides, or, if not, before any court or magistrate having jurisdiction over offenses committed by children, and shall be dealt with according to law. Upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any officer charged with the duty of enforcing this act, or of any police officer, truant officer or probation officer of a juvenile court, the permit of any child who violates any of the provisions of this act, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, may be revoked by the officer issuing the same, for a period of six months, and a badge taken from such child. The refusal of any child to surrender such permit and badge, or the working at any of the occupations above mentioned in any street or public place by any child after notice of the revocation of such permit shall be deemed a violation of this act.* (Commission).

Enforcement.

Section 13007-15. *Probation officers, humane societies, truant officers, and the police shall enforce the provisions for the preceding sections relating to the employment of children in street trades.*

Visits by Inspectors.

Section 13007-16. *Inspectors of factories, truant officers and other authorized inspectors may, within their respective districts or jurisdictions, visit and inspect at any time any place of employment mentioned in this act, and shall ascertain whether any minors are employed therein contrary to the provisions of this act; and they shall report weekly to the school authorities any cases of children under sixteen years of age discharged for illegal employment; and truant officer shall also report the same to the chief or district factory inspector.*

It shall be the duty of factory inspectors, truant officers and other officers charged with the enforcement of laws relating to the employment of minors, to make complaints against any person violating any of the provisions of this act and to prosecute the same.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints. (Commission).

False Statements.

Section 13007-17. *Any person who with the intent to assist a minor to procure employment, knowingly makes a false statement regarding the age of such minor either to an employer of labor or to an officer authorized to issue age and schooling certificates as provided by law, shall be fined not less than twenty-five nor more than fifty dollars.*

Penalties.

Section 13007-18. *Any person, firm or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through agents, servants or foremen, employs any child or girl under the age of twenty-one and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child or girl to be employed or to work in violation of any of the provisins of this chapter, shall, for a first offense be punished by a fine of not less than five dollars nor more than fifty dollars; for a second offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.* (Commission).

Same.

Section 13007-19. *Whoever continues to employ any child or girl under* 21 *in violation of any of the provisions of this chapter, after being notified thereof in writing by a factory inspector, truant officer or other officer charged with the enforcement of this act, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.* (Commission.)

Failure to Keep Certificate on File.

Section 13007-20. *Every employer who fails to procure and keep on file employment certificates for all children employed under the age of sixteen years, or who fails to keep and post lists or the notice, as provided in Section* 12998, *shall be fined not less than five dollars nor more than one hundred dollars.* (Commission.)

Hindering Factory Inspector.

Section 13007-21. *Any person, firm, or corporation who (1) hinders or delays any factory inspector, truant officer, or any other officer charged with the enforcement of any of the provisions of this act in the performance of his or her duties, (2) or refuses to admit or locks out any such officer from any place which said inspectors or officers are authorized to inspect shall be punished by a fine of not less than five nor more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.* (Commission).

Violation of Act by Officer.

Section 13007-22. *Any inspector of workshops and factories, or other authorized inspector, truant officer, superintendent of schools or other person authorized to issue employment certificates or permits and badges as required by this act, or other person charged with the enforcement of any of the provisions of this act, who knowingly and wilfully violates or fails to comply with any of the provisions of this act shall be fined not less than five nor more than one hundred dollars.* (Commission).

False Statements in Certificate.

Section 13007-23. *Any person authorized to sign any certificate, affidavit or paper called for by this act, who knowingly certified to any materially false statement therein, shall be fined not less than five dollars nor more than one hundred dollars.* (Commission).

Child to Give Name, etc.

Section 13007-24. *Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in this chapter, who refuses to give to the inspector of workshops and factories or other authorized inspector or truant officer his or her name, age and place of residence, shall be forthwith conducted by the inspector, truant officer or other officer before the juvenile court for examination and to be dealt with according to law.*

Aiding Minor to Sell Goods.

Section 13007-25. *Any person who, either for himself or herself or as agent of any other person or of any corporation, furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this chapter, or who shall continue to furnish or sell articles of any description to a minor after having received written notice from any officer charged with the enforcement of this act, or from the officer issuing the permit and badge required by Section* 13007-9, *that said minor is unlicensed to sell such articles, shall be punished by a fine of not less than five dollars or more than two hundred dollars, or by imprisonment for not less than ten days nor more than thirty days, or by both such fine and imprisonment.* (Commission).

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